

Also, petition of the committee of wholesale grocers, favoring the reduction of duty on raw and refined sugar; to the Committee on Ways and Means.

By Mr. TILSON: Petition of New England manufacturers, against passage of the Covington amendment to the Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3175) or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petitions of the United Polish Societies of Brooklyn and the Workmen's Circle of New York City, N. Y., against passage of the Dillingham bill (S. 3175) or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. WEDEMEYER: Petition of citizens of Adrian, Mich., favoring the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Allied Board of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient lifeboats on all ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the New York Board of Trade and Transportation, favoring passage of Senate bill 2117, for increase in pay for employees in United States Public Health and Marine-Hospital Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Petition of Ed. P. Egan and 10 other citizens of Delaware, Ohio, favoring passage of House bill 22339; to the Committee on Labor.

SENATE.

FRIDAY, May 3, 1912.

(Continuation of legislative day of Thursday, May 2, 1912.)

The Senate met, after the expiration of the recess, at 11 o'clock and 50 minutes a. m.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. SMITH of Georgia. Mr. President, I suggest that there is no quorum present.

The VICE PRESIDENT. The Senator from Georgia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lea	Sanders
Bacon	Cullom	Lodge	Simmons
Borah	Curtis	Martine, N. J.	Smith, Ariz.
Bourne	Davis	Myers	Smith, Ga.
Brown	Dillingham	Nelson	Smoot
Bryan	Fall	Overman	Stephenson
Burnham	Fletcher	Owen	Sutherland
Burton	Gallinger	Page	Swanson
Catron	Gardner	Penrose	Tillman
Chamberlain	Gronna	Perkins	Warren
Chilton	Johnson, Me.	Rayner	Williams
Clapp	Johnston, Ala.	Reed	Works
Crane	Jones	Richardson	
Crawford	Kern	Root	

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. SMITH of Georgia. I am very anxious at this stage to put into the RECORD the amendments that I intend to offer to the bill. It seems to me that it would put them in a convenient form to be seen by Members of the Senate. I sought to do so yesterday morning, and objection was made. If necessary, I will read them myself so as to get them into the RECORD.

The VICE PRESIDENT. Without objection, the amendments proposed to be offered by the Senator from Georgia will be printed in the RECORD. The Chair hears no objection.

The amendments referred to are as follows:

Amendments intended to be proposed by Mr. SMITH of Georgia to the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, viz:

Amend the bill by striking therefrom all of section 3.
In section 30, after the word "before," in line 8, insert the words "or after," so that the section will read:

"SEC. 30. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before or after this act shall take effect."

Amend section 5 by adding at the close thereof the following proviso: "Provided, That if the employee elects to furnish his own physician or surgeon to care for himself, he may recover from his employer such expenses incurred therefor by him as are reasonable and just."

Amend, after line 16, on page 4, section 7, by adding: "Provided, That where it is made to appear that the employer, through its officers and agents, had received knowledge of the accident within 30 days after the happening thereof, no notice whatever shall be required to be given of the action by the employee to the employer."

Amend by adding at the close of section 7 the following:

"It shall be the duty of the employer, within five days after receiving notice through its officers or agents that an employee has received an injury in its service, to notify such employee whether said injury was received while such employee was employed in such commerce by such employer; and in any legal procedure which may follow the employer shall be bound by such notice, and will not be permitted to deny its truth, and on failure of said employer to give said notice said employer shall not be permitted to deny, in any legal procedure, the claim that said injury was received by such employee while employed in such commerce."

Amend by striking section 10.

Amend by striking section 11.

Amend section 13, paragraph 4, by adding at the close of the same: "Provided, That either party may take the testimony, to be used before the adjuster, of a witness either by deposition or interrogatories, according to the rules of practice of force in the United States district in which the case is pending."

After the word "require," in section 13, paragraph 9, line 11, insert the words "The reasonable attorney's fees of the employee shall be taxed as cost against the defendant by the adjuster or by the court."

After the word "require," on page 20, section 14, line 21, insert the words "or without giving notice where such notice is not required."

On page 22, section 14, after line 11, add: "Provided, That where an employee institutes suit for an injury, claiming that same did not take place while he was employed in interstate or foreign commerce, and fails to recover in such suit, the limitation of the time for his right to proceed under this act shall begin with the termination of such suit, and not with the time when the injury to him occurred."

Amend section 14 by adding paragraph 8 after paragraph 7:

"(8) Employees shall have the privilege of enforcing the rights given to them under this act before the adjuster or to proceed in any State court having jurisdiction, and no suit brought in a State court under this act shall be removed to the United States court."

Amend by striking section 16 and substituting as follows:

"SEC. 16. That on the hearing of a cause of action arising under this act either party shall have the right to elect to commute the monthly payments into a fixed sum, and in that event the fixed sum shall be the present value of the annuities herein provided for, the present value to be calculated on the basis of interest at 5 per cent."

Amend section 20 by striking out in lines 19, 20, and 21 the following words: "No employee's wages shall be considered to be more than \$100 a month."

Amend section 21, line 14, by striking out the words "for a period of eight years," and add, in line 15, after the word "death," the words "during the life expectancy of the deceased."

Amend section 21, on page 30, in lines 17, 18, 21, and 22, by striking out the word "sixteen" and inserting "twenty-one." On page 31, line 16, strike out the words "for the unexpired part of the period of eight years."

On page 34, lines 5 and 6, strike out "50 per cent," so that same shall read: "Where permanent total disability results from any injury there shall be paid to the injured employee the monthly wages of such employee during the remainder of his life." In line 17 strike out "50 per cent," so that the same shall read: "Where temporary total disability results from any injury there shall be paid the monthly wages of the employee during the continuance of such temporary total disability."

On page 34, section 21, paragraph 9, subdivision D, strike out the balance of page 34, page 35, and page 36 down to line 6 and insert in lieu thereof:

"(D) Where permanent partial disability results from any injury—

"(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the balance of his life in the following instances:

"The loss by separation of arm at or above the elbow joint or the permanent and complete loss of use of one arm.

"The loss by separation of one hand at or above the wrist joint or the permanent and complete loss of the use of one hand.

"The loss by separation of one leg at or above the knee joint or the permanent and complete loss of the use of one leg.

"The loss by separation of one foot at or above the ankle joint or the permanent and complete loss of the use of one foot.

"The permanent and complete loss of hearing in both ears.

"An amount equal to 25 per cent of his wages shall be paid to the injured employee during the remainder of his life for the following injuries:

"The permanent or complete loss of hearing in one ear.

"The permanent and complete loss of sight of one eye.

"An amount shall be paid to the injured employee during the balance of his life for the percentages of his wages stated against such injuries, respectively, as follows:

"In case of the permanent loss of hearing in one ear, 20 per cent.

"The permanent and complete loss of sight of one eye, 20 per cent.

"The loss by separation of a thumb, 15 per cent; of first finger, 12½ per cent; second, third, or fourth finger, 10 per cent.

"The loss of one phalanx of a thumb, two phalanges of a finger, 7½ per cent.

"The loss of more than one phalanx of a thumb and more than two phalanges of a finger, 10 per cent."

"The loss by separation of a toe, 6 per cent."

On page 36, article 2, subdivision E, amend as follows: Strike out subdivision E and insert the following:

"(E) Where temporary partial disability results from an injury the employee shall receive, during the time he is unable to secure work, his full wages, but after he secures work he shall only receive the difference between the amount of compensation of the work secured and his former wages: *Provided*, That if work is offered to him of a suitable character by his employer, with compensation equal to the amount of his former wages, and he refuses the same, he shall not be entitled to any compensation for such disability during the continuance of such refusal."

Amend section 22, on page 37, line 6, by striking out the words "90 per cent of," and in lines 7 and 8 by striking out the words "as limited by the provisions of section 20 hereof," and by striking out the balance of said section continued in lines 8 to 17, inclusive, and inserting in lieu thereof: "If his wages received fall below the wages he was receiving at the time of the accident, an amount of compensation shall be payable equal to the difference between the wages received and his former wages."

On page 36, after line 23, add a new subdivision to section 21, entitled "F" as follows:

"(F) That the provisions herein set forth fixing the amount of compensation to be paid to an injured employee or his representative in case of his death, shall apply to those employees whose injuries occur without contributory negligence on their part. In other cases where compensation is provided for in this act, the compensation shall be one-half of the amounts stated."

Amend, on page 39, by striking out section 24.

Amend, on pages 43 and 44, by striking out section 29 and in lieu thereof providing: "That in any case the employer or employee may elect before the adjuster or the court to have the case proceed for the present value of the annuity provided for under this act, which shall be the present value of the annuity allowed, calculated at the rate of 5 per cent interest."

Mr. SUTHERLAND. Before the Senator from Missouri resumes, I should like just a moment to make a very brief statement.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield to the Senator for that purpose.

Mr. SUTHERLAND. Mr. President, yesterday I asked unanimous consent that the vote on this bill be taken on Saturday at 3 o'clock. I was met with the statement that that would be in violation of the unanimous-consent agreement. I stated in that connection that what I was asking had been done before, and that statement seemed to be disputed. I desire, in order to preserve the record upon this question, to call attention to the fact that February 5 of the present year, at the request of the Senator from Massachusetts [Mr. LODGE], unanimous consent was given that on the 5th of March the treaties and resolutions of ratification should be taken up and before adjournment on that legislative day that all amendments to the treaties and the treaties themselves should be voted upon. On March 6, under that unanimous-consent agreement, when the resolutions had been under consideration for a day, on page 2885 of the RECORD, this appears:

Mr. WILLIAMS. My interruption is not for the purpose of asking a question, but I understand that the Senator from New York would rather not go on to-night, and I now understand that if the Senator from Massachusetts will make a request to take a recess until 12 o'clock to-morrow, and to vote not later than 4 o'clock to-morrow afternoon, it will be acceded to.

Mr. MARTIN of Virginia. Four thirty p. m. to-morrow.

Mr. LODGE. Mr. President, I made the request that the Senate take a recess until 12 o'clock noon to-morrow, and that a vote be taken not later than half past 4.

The VICE PRESIDENT. The vote to be taken otherwise as provided in the existing unanimous-consent agreement?

Mr. LODGE. Yes.

Mr. HITCHCOCK. Mr. President, I should like to inquire what assurance a Senator would have that he would be permitted to make even a short address under the terms of such an agreement?

Mr. LODGE. He has all day between 12 o'clock and half past 4.

After further colloquy the Vice President said:

Is there objection to the request of the Senator from Massachusetts? [A pause.] The Chair hears no objection, and the order is entered.

Now, on March 7, the following day, the hour of 4.30 o'clock having arrived, the Vice President stated:

The hour of 4.30 o'clock having arrived, the question first is upon the first amendment to the treaty recommended by the committee, which the Secretary will report. The treaty has not been read in full. Is there objection to dispensing with the first formal reading of the treaty? [A pause.] The Chair hears none.

So it appears very clearly that in that instance, within the past few weeks, the Senate has agreed, after a unanimous-consent agreement, to vote upon a certain legislative day to fix an hour upon a later calendar day when the vote should be taken.

The VICE PRESIDENT. The Senator from Utah submits no request at the present time?

Mr. SUTHERLAND. No; I make no request at present.

Mr. SMITH of Georgia. The Senator from Missouri yields to me for a moment, as I have a telegram that I should like to have read.

The VICE PRESIDENT. Without objection, the Secretary will read the telegram presented by the Senator from Georgia.

The Secretary read as follows:

HOUSTON, TEX., May 2, 1912.

Hon. HOKE SMITH, Washington, D. C.:

Your speech opposing workmen's compensation act read at meeting of Brotherhood of Railroad Trainmen to-night. Your sentiments unanimously indorsed. We thank you for your position, and hope you will be successful in defeating action or amending bill when it is called to-morrow. Health and success.

CHARLES MURPHY, Secretary No. 145.

The VICE PRESIDENT. The Senator from Missouri will proceed.

Mr. REED. Mr. President, as a preliminary to what I am about to say this morning, I want to make this statement: I believe as much as almost any other man in my State I have been regarded as a friend of organized labor. I have frequently represented labor organizations in their controversies in courts and with their employers. I have frequently drafted measures to be introduced on their behalf in the common council of the city in which I live and in the legislature of my State. As a public official it has come to me on numerous occasions to pass upon the requests of labor organizations made to public authority, and in every instance the rulings I have made have been satisfactory to labor organizations. I believe, therefore, that I can speak upon this measure from the standpoint of one who has always endeavored to show a friendly interest in the affairs of those men who seek to protect their rights through organization.

The Members of the Senate who are voting for this bill are undoubtedly largely influenced by the idea that the bill represents substantially the unanimous voice of the labor organizations in this country.

Mr. President, if the bill as now written had been laid before the various labor organizations of the country, and the individual workmen given a fair opportunity to examine and understand its provisions, and if, after a discussion and debate, the railway employees had expressed their opinion with practical unanimity in favor of the measure, I would lay aside my individual judgment and respond to the wishes of those men thus expressed, even though the bill, in my opinion, contained grave errors and tremendous mistakes. But that is not the case. I challenge the attention of the Members of the Senate to what I am about to say with reference to this support the bill is claimed to have and to the origin and character of that support; and when the facts are understood it is my opinion that some of the Members of the Senate at least will change their views, so far as they are affected by the opinion or alleged opinion of the railway men concerned.

I say again to the Senate this is the most revolutionary piece of legislation that has been introduced in the Senate for 20 years. I challenge your solemn judgment and solemn thought, before you wipe out the common-law rights of men as they have existed for hundreds of years, before you wipe out all the statutes that have been enacted in the States in the past 50 or 75 years, before you destroy the acts of Congress which were contended and battled for by the railroad employees of this country for 20 years before they finally were enacted into law, before you take so radical a departure, to give to this bill your careful consideration. I challenge my colleagues upon this side before they say to a million six hundred and fifty thousand railway men and to their wives and their dependents, "You shall hereafter be barred from the courts of your State; you shall hereafter be barred from your rights under the common law of the land, under the statutes of the States and of this Nation," before you say to them, "The only tribunal to which you can appeal is a Federal court," before you undertake that revolutionary step you ought to understand this bill and you ought to give it time and thought and care.

What is there about this bill, sir, that calls for action so suddenly? Why are those who are pressing the bill so anxious that it shall be enacted into law without full and free discussion? Why do they want this bill, which overturns all the precedents of our land and establishes a new course of action, to be forced to a vote in this sudden and almost unprecedented manner?

Men have lived under the present system of laws for many months, and under many of our laws and our general system of jurisprudence for over a hundred years in this country, and it would do no harm, when we undertake to enact legislation of this kind, to ascertain whether it be true that a legal miracle has been brought forth, one which is incapable of improvement by amendment, one to which the collective intelligence of this body can not add a single paragraph of virtue, one in which the collective intelligence of this body can not

discover a single flaw, a bill so miraculously drawn that it is concurred in by the presidents of railroads, by the attorneys for railroads, by the claim agents of railroads, without a dissenting voice, and it is claimed is concurred in by the united voice of labor.

Senators, that feat has never yet been accomplished in this world. That feat will never be accomplished if you give time for discussion. I affirm now that there is no man who ought to regard himself as bound to this bill as a bill representing the opinions of the railway men affected, because of the facts that I am now about to lay before you.

There are in this country four great railway societies, known as the Brotherhood of Locomotive Engineers, the Brotherhood of Railway Trainmen, the Order of Railway Conductors, and the Brotherhood of Locomotive Firemen and Enginemen. There is still another organization which embraces the shopmen, who to a large extent are not affected by this bill.

These several organizations have their local lodges, and these several lodges once in two years—mark you, once in two years, and one of them once in three years—send representatives from their subordinate lodges to an international convention. The international convention of the Brotherhood of Locomotive Firemen and Enginemen only meets once in three years; the other organizations meet once in two years. At the general meeting of the international convention they adopt legislation and they outline policies.

They have, however, done another thing: They have provided for the appointment of an executive agent to represent each of these societies, and the executive agents who at the present time represent these societies are as follows: The Brotherhood of Locomotive Engineers, Warren Stone; the Brotherhood of Railway Trainmen, Mr. Lee; the Order of Railway Conductors, Mr. Garretson; and the Brotherhood of Locomotive Firemen and Enginemen, Mr. Carter.

These men are named at the general meetings and are designated the executive officers. The last meetings of these societies and organizations were held months before this bill was drawn in its present form. Therefore, at their general meetings the representatives of these subordinate lodges had no chance to consider this bill. They did have the opportunity to say whether they favored, as a general policy, compensation acts. But to say that you favor compensation acts is very different from saying you favor a particular compensation act. To say that you are in favor of a law that provides that all human beings shall go about the public highways clothed in one thing; to say that they shall go clothed in a particular manner is a different thing. So this bill has never been before any general organization, and the only men who have passed upon it have been these four men, selected not with reference to this bill, bearing no badge of authority or instructions especially applicable to this bill, coming with no letter of advice or counsel, directing them to support this bill. They were simply selected in a general way as executive heads of these bodies. So these four men have passed upon the bill, but the 1,650,000 railway men who are running the trains of this country have not passed upon the bill; they have never even seen this bill.

That is not all, Mr. President. These "rank-and-file" men have been denied the right of protest by the laws of their order, construed, perhaps, improperly extended beyond the point of original intention, but nevertheless now so construed. I have the evidence here to sustain my statement and will lay it before you. These rules are understood to mean that no member of the organization is at liberty to raise his voice in protest against the action of any one of the four head men. The member may speak in favor of that which the four men may do, but he can not, upon matters legislative, protest against the action of these men. So you do not have here the concentrated opinion of the railway men of this country; on the contrary, you have the ipse dixit of four men, and, as I shall show you a little later on, of but three of those four men.

Mr. SMITH of Georgia. And now of only two.

Mr. REED. And now, as I am informed by the Senator from Georgia, of only two, the head of the conductors' organization having withdrawn his support.

Mr. SMITH of Georgia. Mr. President, that statement should be modified to this extent—the Senator from Missouri did not exactly understand me—that the conductors' organization have withdrawn the restriction put upon the men and permitted them to act independently. I do not understand that Mr. Garretson has himself withdrawn his support, although I find in his testimony before the committee that what he supported was a very different measure from this bill.

Mr. REED. Mr. President, let me put into the RECORD the facts.

Mr. SIMMONS. Mr. President, I wish to ask the Senator from Missouri a question.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. SIMMONS. Do the four men of whom the Senator from Missouri speaks, known as the legislative representatives of these four branches, represent the employees of the railroads?

Mr. REED. They are known, as I understand, as the executive heads. They are supposed to look after all matters which concern their organization, and so they undertake to guard the interests of their organizations in matters legislative. I do not know whether the term "legislative agents" could be applied to them. I think it would be too narrow if so applied.

Mr. SIMMONS. Do I understand the Senator as saying that when these four executive heads meet and indorse a particular bill pending before Congress the membership of the Order of Locomotive Engineers and the other orders representing the employees are not permitted, under the law governing their organizations, to protest against their action?

Mr. REED. That is exactly as I understand it. Stated with accuracy, the members of each organization are barred from protesting against or interfering with the policy of the head of that particular organization, so that when three of these men agreed upon this bill they thereby closed the lips of and silenced the voice of protest. The members of those three organizations were barred from the right of objection. The fourth executive head did not approve the bill, and the members of his organization have been free to express their views and have been protesting generously and with emphasis.

Mr. SIMMONS. Now, following that up, suppose a member of the organization should attempt openly to use influence against the position taken by this executive board with reference to a legislative matter, is there any penalty prescribed by the laws of the organization?

Mr. REED. My understanding is that it means expulsion—that the rule is so construed. I am about to lay the evidence which I have in my possession before the Senate on that subject.

Mr. SIMMONS. Then, I understand from the Senator, that an individual member of these organizations who attempts openly to protest against this recommendation or indorsement, who attempts in any way to exert influence openly in Congress to prevent the carrying out of their indorsement and recommendation, would be subject to expulsion from the order?

Mr. REED. At least he places himself in jeopardy and in conflict with the rules of the order, and my understanding, gained from talking with some of these men, is that it means expulsion. I am about to submit the rules of the organization and some other testimony given before the Senate Judiciary Committee.

Mr. SIMMONS. That is, if the rules were invoked against them, the penalty would be expulsion?

Mr. REED. That is what I understand to be the fact.

Mr. OVERMAN. And also, if the Senator will yield to me—

Mr. REED. Certainly.

Mr. OVERMAN. If any one lodge should protest, it would mean that they would have to surrender their charter.

Mr. SIMMONS. Now, I should like to ask the Senator one further question.

The VICE PRESIDENT. Does the Senator from Missouri yield further?

Mr. REED. Certainly.

Mr. SIMMONS. Has the Senator any information of any pressure having been brought to bear to prevent individual members of these organizations from asserting their wishes and their opinions in respect to this legislation?

Mr. REED. I have nothing further than the statements men have made to me—that it was unsafe for their members to protest and that they did not protest; but nobody has said to me, and I have no letter or telegram to the effect, that any man has been personally threatened.

I hold in my hand the constitution of the Brotherhood of Locomotive Firemen and Engineers for the years 1911, 1912, and 1913, lapsing over until their next convention. Section 5 of article 27 of their constitution reads as follows:

Any member interfering with legislative matters affecting national, State, Territorial, dominion, or provincial legislation adversely affecting the interest of our members shall, upon conviction by written information, be expelled: *Provided, however, He shall have right of appeal to his lodge within 30 days after expulsion.*

That is the section of the constitution of that one organization. It was handed to me this morning by a member of that organization who represents it in the State of Texas and who states that it is construed to mean that any interference with the

legislative policies of the executive head is held to be a violation of that provision of their constitution.

Mr. CHILTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. Certainly.

Mr. CHILTON. I should like to ask the Senator if he is aware of the testimony of these men before the committee to the effect that the reason for this rule is that they found after years of experience that when the order agreed upon a legislative policy individual members would sometimes be influenced by the railroads or by outsiders to interfere with the legislative policy which had been agreed upon, and in order for their organization to be effective they had to adopt some kind of a policy and some kind of means for enforcing the rules of the order. That was testified to and was agreed to, as I understand, before the committee by the representatives of the laboring men.

Mr. REED. Yes, Mr. President, I understand that the reason which was assigned before the committee by those who defended this rule was that the rule had been adopted in order to protect the organizations against the improvident advancement of legislation of an improper character by their members, and also for the purpose of protecting the members against the coercion of their employers; but, like all rules which may be adopted for one purpose, it may be used for another purpose. It is now being applied to mean that when these executive officers have agreed upon a policy, any man who dares to challenge the correctness of that policy is held to be opposing the interests of the organization and he suffers expulsion. Many of these men have insurance for which they have paid for many years, and they forfeit that insurance upon expulsion. So that the effect of the rule, no matter what its origin and no matter what the purpose may have been that called it into existence—the effect and application of the rule now is to close the lips of these men and to silence the voice of protest. If they adopted the rule because some of their members had been previously corrupted, as stated by the Senator from West Virginia, then I challenge thought to the fact that if their members have been corrupted in the past they hardly escape from all danger of that corruption when they place this enormous power in the hands of three or four men.

I am not charging that anybody has been corrupted, but I am saying that the same danger which led them to enact this law exists just as much to-day as it did before. I am not intimating any corruption. Men can differ in this world without an intimation of baseness. I am applying my remarks solely to the reason which was assigned by my friend, the Senator from West Virginia, as the reason for the rule, and he does not assign it as his reason, but as his conclusion derived from testimony given before the Judiciary Committee at the hearings on this bill.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. Certainly; I always yield.

Mr. CHILTON. I should like to ask the Senator this: Can he imagine any way by which a labor organization can protect itself from outside influence, whether by corruption or otherwise, unless it has some rule of this kind?

Mr. REED. Well, if the Senator wants my opinion about this rule—which is entirely aside from the question we are discussing and has nothing to do with it—I reply that no government has ever escaped corruption by providing that the rank and file of the people can not open their lips to protest.

Mr. CHILTON. The only trouble with that—

Mr. REED. We have that right against the President of the United States, and the only place men do not have the right of protest is in Turkey. Really, I believe the right now exists even in that unfortunate land.

Mr. CHILTON. The committee having these matters in charge and hearing the statement of the railway men did not find any way by which they could correct or revise the rules of the organization, and they had to take the statements as they were made, and to take the laws of the organization as they found them.

Mr. REED. I am not criticizing the committee; I trust the delicate sensibilities of the members of the committee will not be shocked by so much as suggestion of responsibility for the rule I am discussing. I am simply arguing the one point that under existing rules the railway men of this country have not been permitted to voice their sentiments against this bill, though they are permitted to support it.

Mr. OVERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. OVERMAN. I think I ought to state here that after this bill was before the Judiciary Committee and had been passed upon, there was a demand that a subcommittee be appointed on the part of the House of Representatives and the Senate from the respective Judiciary Committees to meet and give hearings to some individual railroad men. On that committee were the Senator from West Virginia [Mr. CHILTON], the Senator from Utah [Mr. SUTHERLAND], and myself, and there were three members on the part of the House. There were many railroad employees here, but there were mighty few who went into that room, as the Senator from West Virginia knows.

Mr. REED. Why?

Mr. OVERMAN. I will tell you why. The three leading men who have advocated this bill were in there. There was also present a man by the name of Teat, representing a Georgia order that has no such rule, and some Representatives in Congress who were heard. I was very much astonished when I went to the committee room to see a number of railroad men standing around the door. I knew one of them and invited him to come in. He said, "No; I can not. I have been working for the railroad for 25 years. I have been insured that long, and if I go into that room and protest against this bill I will lose my insurance. I will not only lose my insurance, but I may be expelled. I may not only be expelled, but the lodge I represent may lose its charter. Therefore we people who came here for this purpose are not going in." The only man who went in and heard it, so far as I can remember, was the man named Teat, who headed this organization. So, although we had arranged to give a hearing, had notified these men to be here, and they were here, and the subcommittee was there to give them a hearing, they were not there, but on the outside of the room.

Mr. REED. That is a startling statement. It is, however, a statement that would not be made by the Senator from North Carolina unless it was the truth and the very truth. But what a situation does it disclose to the Congress and the people of the United States. These railway men, big, brave-hearted fellows, who ride their engines into the night and through the storm, who take their lives in their hands every hour, who look with unflinching eyes into the face of death, yet do not dare to voice the protest of their hearts before a committee appointed by Congress to hear them! What a spectacle that is for a white man in a white man's country to contemplate!

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER (Mr. BROWN in the chair). Does the Senator from Missouri yield to the Senator from Oregon?

Mr. REED. I do.

Mr. CHAMBERLAIN. I suppose the Senator concedes that this is a rule which was adopted by these very brave men themselves. It was not a rule enforced on them by any other order than their own.

Mr. REED. I understand the situation. But it does not relieve us from the duty to scrutinize this bill. We can not in the teeth of these disclosures escape responsibility by the claim that the bill has been examined by the railway employees and approved by them, because we now know they have not been permitted to speak.

Mr. OVERMAN. I wish to make another statement which I think I ought to make. One of the men also told me that they did have this rule, and the reason of the rule was that it had in their experience been known that the railroads had employed certain employees to come up here and protest against legislation they were in favor of.

Mr. REED. To protest against it? Who was in favor of it?

Mr. OVERMAN. The order itself was in favor of it. And one example he cited was the boiler-inspection bill. He said the order was in favor of the bill, but they found men here, representing the lodges, about the Capitol day after day protesting against the passage of the bill. They then concluded, in order that this might not happen again, that they would pass this drastic rule, and the only way they could be heard hereafter was through their leaders.

Mr. SUTHERLAND. That was adopted in convention.

Mr. OVERMAN. It was adopted in convention, and therefore hereafter they were not allowed to address any Senator or Member of the House or come here to protest. It must be done through their leaders.

Mr. SIMMONS. With the permission of the Senator from Missouri I should like to ask my colleague one question. I

understood my colleague to say the subcommittee had hearings. Did anybody come before the subcommittee except these four heads of the executive committees?

Mr. OVERMAN. One was there from Georgia, a gentleman by the name of Teat, I think his name is, who said he had come to appear; the prohibition had been taken off by his order. I asked him if any other organization forbade its men to protest against this legislation, that I had been told on the outside they were not allowed to come. He declined to answer my question.

Mr. SIMMONS. As a matter of fact, the subcommittee heard only the statements of these four men?

Mr. OVERMAN. These four men and Mr. Carter, who resigned, who would not have anything to do with it. He was neutral on the subject, and therefore opposed to it. He took opportunity to protest, as did a man by the name of Teat, from Georgia. Judge BARTLETT, another Congressman, and a man by the name of Lewis addressed the committee; Mr. Lee and Mr. Garretson and Mr. Wills made practically the same statement as before the general committee, so far as the men, who could not hear, had heard. They did not come in, but stayed on the outside.

Mr. REED. Does it require a prophet or the son of a prophet to know what happened? These men came here to protest, and am I wrong in assuming that the executive heads warned them to keep out of that room upon the peril of the enforcement of these rules?

But again I say that it is an appalling thing that any four organizations, composed of 1,650,000 American citizens, found that their own men were being corrupted by the railroads to such an extent that they had to adopt a rule of this kind to protect themselves against that infamous practice. If the railroads had been doing that to prevent legislation desired by these men for their real benefit, I challenge your attention to the fact that now there is not even a railroad attorney here to protest against this bill. The answer is the bill suits the railroads to an exact nicety. If the railroads in the past have been so vigilant and unscrupulous that they have not hesitated to bribe their employees to come here and oppose legislation calculated to confer benefits upon their fellow workmen, why are these same railroads not here now protesting? Why are they acquiescing by silence? Nay, why do they through their presidents and claim agents actively cooperate in the passage of the bill? There is but one answer, this bill will benefit the railway companies. This is a railroad bill.

We are forced to conclude that this measure suits the railroads; it suited the railroad president who sat upon the commission; it suited the claim agent of the railroad who advised the commission. It suits them now, and why should it not? It takes these men out of the State courts, where before they have had some measure of protection. It puts them under the control exclusively of the Federal courts, that have always been the city of refuge toward which every railway attorney turned his longing eyes when he had to defend a suit brought by a poor fellow whose arms or legs had been crushed or mangled through the company's negligence.

Where are your railroad officials now with their protests? Where now their bribe money? Where now their claim agents? Where now their lobby? They are sitting complacently back, content that this bill shall become a law. Why should they not be content? It will save them millions of dollars, and it will put them under the control and protection of the Federal courts where they have always longed to go, and to escape which the railroad employees for years have fought and struggled and contended until at last they put upon the statute books a law which permitted them to file their suits in the State court and to stay there. That law is not yet two years old. In fact, as is suggested to me by the Senator from Georgia, it is practically only three months old, because it is only three months since it was finally approved by the United States Supreme Court.

But, Mr. President, I have been interrupted and led somewhat afield from the theme I started to discuss. I was about to furnish some additional evidence of the fact that the employees have had no opportunity to protest. I read the rule of the Brotherhood of Locomotive Firemen and Enginemen. Adopted for whatever purpose it was, it is, nevertheless, now the cord about the throats of these men that chokes them into silence.

Now, there was some of this evidence given before the committee, and I am going to read first the statement of Mr. Lee. I want to have the attention of the Senator from New Jersey [Mr. MARTINE]. I would rather have his attention than that of anybody else.

Mr. MARTINE of New Jersey. The Senator from Missouri is very flattering.

Mr. REED. I am only just.

Mr. MARTINE of New Jersey. You are all right, generally.

Mr. REED. I am all right this time, and the only time you make mistakes is when you differ with me.

Mr. MARTINE of New Jersey. We will not dispute or debate that.

Mr. REED. And we are going to get together yet.

Mr. MARTINE of New Jersey. Certainly.

Mr. REED. Here is a copy of the hearings before the Committee on the Judiciary on this bill, March 15 to March 26. I read from page 73. I am reading from the statement of that Mr. Lee who was yesterday appealed to by the Senator who is sponsor for this bill, and who had read a tirade of Mr. Lewis, denouncing as an ambulance chaser a man who in fact is the chief justice of North Carolina. I take it that Mr. Lee is a biased, prejudiced witness, as shown by that statement of his, and his bias and prejudice are in favor of this bill and all that it contains.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. Certainly.

Mr. SMITH of Georgia. There are so few in the Senate that I think it proper to suggest that there is no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	McCumber	Root
Bacon	Davis	McLean	Simmons
Bourne	Fall	Martine, N. J.	Smith, Ariz.
Bristow	Foster	Myers	Smith, Ga.
Brown	Gallinger	Nelson	Smith, S. C.
Bryan	Gardner	Nixon	Smoot
Burnham	Gronna	Overman	Stephenson
Burton	Guggeheim	Page	Sutherland
Chilton	Johnson, Me.	Paynter	Swanson
Clapp	Johnston, Ala.	Penrose	Thornton
Clark, Wyo.	Jones	Perkins	Warren
Crawford	Kern	Rayner	Wetmore
Culberson	Lea	Reed	Works
Cullom	Lodge	Richardson	

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is detained from the Senate on account of illness in his family. I will let this announcement stand for the day.

Mr. JONES. I desire to state that my colleague [Mr. POINDESTER] is unavoidably detained from the Senate.

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is necessarily absent and that he has a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I make this announcement for the day.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The Senator from Missouri will proceed.

Mr. REED. Mr. President, I stated that I would read what Mr. Lee said, because he is an adverse and prejudiced witness. He is prejudiced in favor of this bill, and so prejudiced against everyone who dares lift his voice against it that he is willing to denounce a great judge of a great court as an ambulance chaser simply because he dares call attention in a dignified and logical statement to the bill's manifold defects and injustices. So I read what Mr. Lee said in regard to these coercive measures. Mr. NORRIS asked:

You do not want the committee to understand that if any local organization was opposed to this bill that there was anything in your rules and regulations that would prohibit them from protesting as earnestly as they saw fit through the members of their board?

Mr. LEE. Absolutely. The member who is honest knows that if he did it would have to be placed before the grand lodge. A few years ago we found railway companies, as Mr. Wills has said, that would wish to oppose some certain law that was really for the benefit of the majority of our class, and they would pick out certain fellows who were fluent talkers, or whom they could control, or whom under threat of dismissal or some other arguments they could send to the legislature to lobby to get certain laws defeated. The result was we could not succeed with anything that would benefit the masses because our members were appearing before these committees. So we passed this law, and to-day there is no member of the Brotherhood of Railway Trainmen in Georgia or in other States who does not know—and there are some of them in this House—that he has a perfect right to appeal and protest through the grand lodge to which he contributes his mite to support, and it would be presented through the executive or the executive would be brought to trial for not doing so.

Here is a plain admission that no man dare protest against a measure recommended by these executive heads except that he can send his protest up through the regular channels reaching that executive head, but he can not protest publicly or to a committee of Congress.

Now, I am not saying this in criticism of these orders. The reason I am saying it I shall, I think, make manifest a moment later. But upon the same line I call your attention to the

statement of Mr. HOWARD, a Member of Congress. He said before this same subcommittee on March 26:

There is a very peculiar condition existing among the railroad men in Georgia. I do not know whether it exists all over the country, but I have been reliably informed that the rank and file of the men who are most affected by the operation of this revolutionary measure can not even write their Senators or their Representatives in Congress a single solitary line in opposition to this bill without violating the rules and regulations of these organizations. That rule does not apply as to the Order of Brotherhood of Locomotive Firemen and Enginemen, but it does apply to all of the other organizations. I speak for the organizations in Georgia now, not confining it to my district, as I have conferred with the representatives of these particular organizations.

Mr. SMITH of Georgia. Mr. President—

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield.

Mr. SMITH of Georgia (at 1 o'clock and 10 minutes p. m.). It is perfectly evident that Senators do not desire to be present in the Senate at this hour, and I suggest that we take a recess for lunch until 2 o'clock.

The PRESIDING OFFICER. Does the Senator from Georgia make that motion?

Mr. SMITH of Georgia. Yes, sir.

Mr. SUTHERLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Lodge	Sanders
Bacon	Curtis	McLean	Shively
Bourne	Dillingham	Martine, N. J.	Simmons
Bristow	Fall	Myers	Smith, Ariz.
Brown	Foster	Nelson	Smith, Ga.
Bryan	Gallinger	Nixon	Smith, S. C.
Burton	Gronna	Oliver	Smoot
Catron	Hitchcock	Overman	Stephenson
Chamberlain	Johnson, Me.	Page	Sutherland
Chilton	Johnston, Ala.	Penrose	Swanson
Clark, Wyo.	Jones	Rayner	Warren
Clarke, Ark.	Kern	Reed	Watson
Crawford	Lea	Richardson	Williams
Cullom	Lippitt	Root	

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present.

Mr. SMITH of Georgia. Mr. President, I will extend the motion to a quarter past 2.

The PRESIDING OFFICER. The Senator from Georgia moves that the Senate take a recess until a quarter after 2 o'clock.

Mr. SUTHERLAND. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OWEN (when his name was called). I transfer my pair with the Senator from South Dakota [Mr. GAMBLE] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is out of the city on business of the Senate. I understand that he is paired with the junior Senator from Missouri [Mr. REED]. I make this announcement for the day.

Mr. SMITH of South Carolina (when his name was called). Has the junior Senator from Delaware [Mr. RICHARDSON] voted?

The PRESIDING OFFICER. He has not.

Mr. SMITH of South Carolina. Then I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] and withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH], who is absent. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. CULBERSON. In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. GORE. I was not in the Chamber when my name was reached on the roll call. My colleague [Mr. OWEN] transferred his pair to me, and I will allow the transfer to stand.

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is necessarily absent on business of the Senate, and that he is paired with the senior Senator from Ohio [Mr. BURTON].

Mr. CLARK of Wyoming. I transfer my pair with the Senator from Missouri [Mr. STONE] to the junior Senator from Iowa [Mr. KENYON] and vote. I vote "nay."

Mr. RICHARDSON. Has the junior Senator from South Carolina [Mr. SMITH] voted?

The PRESIDING OFFICER. He has not.

Mr. RICHARDSON. I announce my pair with that Senator and withhold my vote. If he were present, I would vote "nay."

Mr. GALLINGER. I was requested to announce the pair of the Senator from Connecticut [Mr. BRANDEGEE] with the Senator from New York [Mr. O'GORMAN].

The result was announced—yeas 17, nays 49, as follows:

YEAS—17.

Bacon	Johnson, Me.	Newlands	Smith, Ga.
Bryan	Johnston, Ala.	Overman	Tillman
Chilton	Kern	Owen	
Davis	Lea	Pomerene	
Hitchcock	Martine, N. J.	Reed	

NAYS—49.

Ashurst	Crane	McCumber	Shively
Borah	Crawford	McLean	Simmons
Bourne	Cullom	Myers	Smith, Ariz.
Bradley	Cummins	Nelson	Stephenson
Bristow	Curtis	Nixon	Sutherland
Brown	Dillingham	Oliver	Thornton
Burnham	Fall	Page	Townsend
Burton	Gallinger	Paynter	Wetmore
Catron	Gardner	Penrose	Williams
Chamberlain	Gronna	Percy	Works
Clapp	Guggenheim	Perkins	
Clark, Wyo.	Jones	Root	
Clarke, Ark.	Lodge	Sanders	

NOT VOTING—29.

Bailey	Foster	Martin, Va.	Smoot
Bankhead	Gamble	O'Gorman	Stone
Brandegee	Gore	Poindexter	Swanson
Briggs	Heyburn	Rayner	Warren
Culberson	Kenyon	Richardson	Watson
Dixon	La Follette	Smith, Md.	
du Pont	Lippitt	Smith, Mich.	
Fletcher	Lorimer	Smith, S. C.	

So the Senate refused to take a recess.

Mr. REED. Mr. President, I ought to say to the Members of the Senate who were disturbed at their luncheon by the last two roll calls that they were demanded by the Senator from Utah and not from this side. On no account would we have imposed the hardship upon you of leaving the table, but as there were only about seven Members here, the Senator from Georgia conceived the idea that we might as well go to lunch also, and therefore made the motion for a recess. We had no idea that it would be followed by a demand that would take you from the table. I think I ought to make that statement in order to relieve myself and the Senator from Georgia of any responsibility.

Mr. President, I was reading from the statement of Mr. HOWARD, a Member of Congress, in which he was detailing the fact that railway men were not permitted to protest, and I proceed:

Gentlemen, I do not know whether or not the men in my State or in my district are opposed to this bill. That is not the purpose of my appearance before this committee this morning, to say whether or not they oppose it or whether they are in favor of it. The distinguished chairman of the Senate committee and of this commission, in questioning Mr. Teat a while ago, asked the question whether or not this commission had not been in session for a period of about two years. I can state with some degree of authority that the first time the compensation law was discussed in the South in any way whatever, in an official way, was at Chattanooga on the 25th day of May, 1910, and I think I can say with some degree of certainty that although this commission has had these hearings, and they have been exhaustive and full hearings, and some of the most expert railroad men in all branches have been heard before this commission, I do not suppose to-day there are 50 Members of Congress, in either branch, either in the Senate or in the House, that have read 500 words of the testimony taken before the commission.

And I say now that I think that is the truth right at this minute regarding the Senate. I continue reading:

We understand that hearings are held on a great many measures, and the evidence taken in these hearings is never read or considered until possibly the bill is favorably recommended by the committee holding the hearings.

There was a tentative bill introduced. That bill got to Georgia and these men had read it. The heads of the organizations in Georgia have read it. They say that this bill is revolutionary; that it practically takes from them a constitutional right, and that they want time to deliberate over this bill. All of their organizations meet during the summer, from April on through to July, August, and September. This is not an unreasonable request, as far as my State is concerned. The railroads are not suffering, and neither are the men suffering from the operation of the present laws.

Now, Mr. President, the reading of this rule and the reading of this testimony and the statement of the Senator from North Carolina [Mr. OVERMAN] conclusively demonstrate that the railway men of this country have not been at liberty to express their opinion. Neither have they had opportunity to express an opinion, or to even form a mature opinion, for the reason that this bill was only introduced in Congress some 30 days ago, and in that length of time there has not been the chance afforded for these men, scattered as they are throughout the United States, to obtain copies of the bill, to discuss it with each other, to take advice upon it, and to obtain, if they dare

obtain, the action of their local organizations. Therefore, when we are told here that this bill expresses the universal sentiment of these railroad men, we are told that which can not be sustained by any evidence and that which is not the fact, sir. On the contrary, the evidence now before us is that there is a sentiment of protest, and that that sentiment was silenced at the very doors of Congress; and we have the right to infer it was silenced by these big bosses of the organizations.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. REED. Certainly.

Mr. SIMMONS. I desire to inquire of the Senator, for information, if he thinks under the rule of which he has spoken that the various local lodges would be prohibited from giving expression to their opinions with reference to this bill?

Mr. REED. That seemed to be the opinion of the Senator from North Carolina [Mr. OVERMAN], the colleague of the Senator.

Mr. SIMMONS. It not only applies to individual members of the order, but to the lodges themselves?

Mr. REED. Yes.

Mr. SIMMONS. But the Senator does think, of course, that when the general conventions of these various branches of railroad employees meet, then there will be freedom of opinion?

Mr. REED. Of discussion.

Mr. SIMMONS. Of discussion.

Mr. REED. And until that time, if I understand the facts, there will not be freedom of discussion.

Mr. President, let us, then, analyze the situation and see what it is. Four men have assumed to agree to this bill for all the railway men of the country. Nay, that statement is not correct, for one of these men, to wit, the head of the Brotherhood of Locomotive Firemen and Enginemen, has not assented to it, but has most vigorously protested against it. So that now you have three men undertaking to speak for eight or nine million people who are directly or indirectly concerned in this legislation. The opinions of those three men do not represent the opinions of their constituency, because their constituency have never had the chance to examine this bill, and they were not elected and sent here with any instructions from that constituency to speak for them with special reference to this particular legislation. So you simply have three individuals standing here and undertaking to tell Congress what it shall do with reference to this vast body of men.

Nay, more, these three men farmed out their authority to Mr. Wills, and Mr. Wills, one man, became the legislative agent here at Washington, actively interesting himself in this legislation. I would not for anything say a word reflecting upon Mr. Wills. I know him but slightly; he is a man very earnest and very fixed and set in his opinions. According to him all candor and honesty, all earnestness of purpose, and all patriotic desire to serve his constituency, he is, nevertheless, but one individual, dowered with no greater intellect, I take it, than that of thousands of other men in his organization whose lips are closed and whose tongues are silenced by this rule and who have never been permitted to speak.

So, in the last analysis, what Congress is asked to do, and what some Members of this Senate are doing, is to lay aside its judgment, the collective and comprehensive judgment of the body, for the opinion of one Mr. Wills. I say that proposition is intolerable. The man who adopts it will live to see a day of regret. Of course, if Mr. Wills is possessed of all knowledge; if he has scaled all the heights, measured all the depths, and surveyed all the boundaries of the intellectual kingdom, if he has analyzed and mastered all the intricate problems of the law, if he is grounded in the principles of the Constitution, if he has the ability of a Webster, we might possibly be justified—some of us weak and erring children—in yielding to his superior judgment; but even Webster might make a mistake and Mr. Wills may be fallible. Already one of these three who delegated his authority to Mr. Wills is, according to the statement of the Senator from Georgia, in doubt in regard to the wisdom of this legislation.

Put this matter over for 60 days and there will rise from these rank and file men in some form—for you can not forever keep the lips of an American citizen closed—there will come in some way a message to the Congress that will say to it that the railroad men of this country are not ready to put themselves into the hands of the Federal courts and to close the doors of all other tribunals to them.

I see sitting around me a few men who have protested for many years against the citizen of the State being dragged into the Federal courts to try his case at the instance of a corporation that lives in his State, that makes its living in his State, that is policed and protected by his State, but nevertheless is permitted to drag him into a tribunal which is practically

foreign to him, because that corporation happens to have filed its articles in some other State. I see men around me here who recognize the injustice of that system and who have protested against it. I am astounded to see them now willing to confer upon the Federal courts more jurisdiction and more authority than all the laws that have ever been enacted have granted them since the day our Government was born.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. Certainly.

Mr. ASHURST. Mr. President, inasmuch as I have the honor, and it is an honor, to be sitting "around" the distinguished Senator from Missouri [Mr. REED], who is making what I conceive to be a very illuminating speech on this bill, I fear unless I interrupt him now that my silence may be construed to mean that I am in sympathy with that particular part of this bill which seeks to prevent injured railroad men from instituting suit for damages in the courts of the particular State where the injury occurred, but delivers their right to sue to the tender mercies of the Federal courts; and I ask permission of the Senator from Missouri that I may here and now say a word in that respect.

Mr. REED. I yield for that purpose.

Mr. ASHURST. Mr. President, I am in favor of this bill in principle. The constitution of the new State of Arizona—and I will in this great presence say that as a document perpetuating and securing the liberties of the people of a country or a State, no greater document has been written since the Declaration of Independence in 1776 than the constitution of Arizona—and this Arizona constitution lays a mandate upon the State legislature to enact a compulsory-compensation law. Hence I repeat, I am in favor of such a law in principle, but I desire to vote for a real, true compulsory-compensation law, one that will "compensate."

I do not forget that Thomas Jefferson said:

The Federal judiciary are the sappers who are constantly seeking to undermine the confederated fabric of our Government.

I do not, of course, refer to all the Federal judges when I criticize some of them. I must discriminate, but I do refer to members of the Federal bench who have soiled their ermine. Why this attempt to deprive these engineers, conductors, brakemen, and firemen, the bravest men in the world, of the right to adjudicate their wrongs in their State courts? Is it because the railroad attorneys and the railroad presidents who entertain Federal judges by devious ways—such as paying the judge's expenses on a fishing expedition; and as Plutarch said, "I care not who writes the laws, if I but take the judges fishing"—believe they will have smooth sailing in the Federal courts when some maimed employee with crutches or armless sleeve asks compensation for the loss of a member of his body which God has given him?

Mr. President, when an engineer, brakeman, fireman, or conductor is called to work by the call boy—and too frequently the call boy's name is Death—when the trainman in obedience to duty's call goes out upon the run, the trainman and his wife look into each other's faces and there are the unspoken words, "Shall we ever meet again?"; for a trainman is engaged in an extra-hazardous occupation, engaged in drawing the commerce of the Nation, sitting at his throbbing throttle, transporting citizens over the rails, and is he to be denied when injured the poor boon of going before the courts of his State; denied the privilege of appearing before a judge elected by the vote of his fellow men? Is that to be denied to him?

This bill seeks to drive him exclusively before the Federal courts, some of whose judges, every man who is honest with himself confesses, much to our regret, are now under the suspicion of being in league with the "Interests." Is there a Senator in this great body who will deny that to-day some of the Federal courts are under suspicion; and why? Because all, or nearly all, of the cruel, the unjust, the outrageously unjust injunctions and decisions against the laboring people have come from the Federal courts.

Some of these Federal judges, free from the recall, with the impeachment process a practical impossibility, have come to sit as judicial tyrants.

I have in my desk some notes to which I intended to refer, but I shall not interrupt longer at this point further than to say to the Senator that when looking at me and saying he saw around him men who are turning these cases over to the Federal courts he was for "once" in error, and that there is no more resolute antagonist of the proposition of lodging jurisdiction of these cases solely and exclusively in the Federal courts than I am.

Before I resume my seat I must not be understood as making any assault upon the courts. I venerate the great Supreme Court of this Nation which so ably deals with the ever present

and complex propositions of State and national sovereignty and the liberties of millions of people. This great Supreme Court of the United States is progressive, and I do not include it in my criticisms; but I refer especially to such judges as Judge Grosscup, who has been charged not only with corruption but immorality as well.

I thank the Senator from Missouri for his courtesy.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from California?

Mr. REED. Will the Senator from California pardon me a word, and then I will yield.

I want to say to the Senator who has just taken his seat that either I made a statement directly the opposite of what I intended or he misheard me. What I intended to say, and I think did say, was that I saw around me Senators who have been protesting against the jurisdiction of the Federal courts being exercised over citizens of States upon the ground of diverse citizenship between themselves and the railroad company when that railroad company is in all except form a citizen of the State. I did not mean to say that the Senator who has just taken his seat has been in favor of putting all litigation in the hands of the Federal courts.

I now yield to the Senator from California.

Mr. WORKS. Mr. President, it has become altogether too common nowadays to make wholesale assaults upon the judiciary of this country, as we have just been listening to, and it is exceedingly unfortunate that any such assault should come from a Member of this body. I know—everybody knows—that there are unworthy judges upon the bench, State and Federal, but I happen to know a good many of the Federal judges of this country, and some of them I am glad to say are my warm personal friends. One of them was for a time my partner in business; and I am not going to sit here silently and allow this wholesale charge to be made against the Federal judges of this country, knowing, as I do, that a great many of them are men of the highest character, distinguished for ability and fairness in the conduct of cases of all kinds.

I do not think much can be said when we compare the State and the Federal judiciary in favor of the former in that respect. My experience has taught me that you can depend upon the integrity and fairness of the Federal judges fully as much as upon those who occupy State positions. It is a matter of deep regret that such assaults against the judiciary of the country can be made in the Senate of the United States.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. I do.

Mr. ASHURST. No man venerates more than I do the great, the honest judges of the country, who unmoved by improper influences declare the law and are not under the control of railroad companies. I inveigh only against those judges who go fishing with railroad presidents and railroad attorneys who are litigants before them, and I repeat I do not forget that Plutarch said, "I do not care who writes the laws if I but take the judges fishing." I do not make, and the Senator from California should know that I am not making, an assault upon judges as a whole, but only upon those whose unjust decisions bring our beloved institutions into danger and who therefore deserve to be characterized as I have characterized them, based upon what I conceive to be very sufficient grounds for so doing.

Mr. REED. I take it, Mr. President, so far as I am concerned, that the Senator from California was applying his remark to the Senator from Arizona, and I therefore see no occasion at this moment to indulge in that debate. It has been very interesting and entertaining. I can understand, however, why the Senator from California may consider the judges of Federal courts as desirable as the judges of State courts, in view of the campaign that was recently made in that State, in which, if I understand aright, the courts of his own State were very severely criticized.

I am not of that number who assail courts or assail established authority, but I do unhesitatingly and unequivocally say that in the ordinary State court a railroad man with his hand or leg off, before an ordinary jury summoned from the body of the county in which he lives, has about ten times as much chance to recover as he does in the average Federal court. The railroad men of this country know that and did know it when they insisted, in 1910, upon the amendment to the Federal statute of 1908, which provided that when they filed their case in the State court it could not be taken into a Federal court.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I yield to the Senator from Idaho.

Mr. BORAH. I would ask the Senator from Missouri, in view of his statement as to the advantage of the complainant in a State court as against the Federal court, why is it so, when in both courts jury trials determine all damages?

Mr. REED. That depends very largely upon the man who sits on the bench, and it somewhat depends on the way the Federal juries are selected and who selects them; but principally upon the rulings of the man who happens to be the judge.

Mr. BORAH rose.

Mr. REED. I yield further to the Senator from Idaho.

Mr. BORAH. I myself am very much opposed to the method in which juries are selected in the Federal court, but that is the fault of the Senator from Missouri and myself.

Mr. REED. It is not my fault. I have not been here long enough.

Mr. BORAH. May I say, then, it is the fault of those who make the laws of Congress, because we determine the method in which they shall be selected and how they shall be drawn. We guide and control it.

Mr. REED. That is only a plea in confession and avoidance. It admits the statement that the poor fellow who is litigating does not get the same chance in the Federal court that he does in the State court; and whether the wrong rests upon Congress or not does not help him a bit when the judge instructs him out of court or lectures a jury until it brings in a verdict against him.

Mr. BORAH. The Senator seems to have shifted his position somewhat on that proposition. I do not speak offensively.

Mr. REED. Not at all. You have shifted your viewpoint.

Mr. BORAH. I would undertake to say, and I would undertake to justify my position by the decisions of the Supreme Court of the United States, that the Supreme Court of the United States has been more liberal in its interpretation of the law with reference to the right to recover in damages than have the State courts, and that it has repeatedly reversed the decisions of the State courts in favor of the plaintiffs claiming damages.

I have within the last few months, in view of the charges which have been made, taken the time to go through the decisions of the Supreme Court of the United States and to run down the number of instances in which that court has reversed the holdings of the court of last resort in the State where the decisions of the United States Supreme Court were favorable to those claiming damages in damage suits incurred in railroad accidents, and so forth. I am sure it would be interesting to follow that out, and we would ascertain that the fault does not lie in the rule which has been established in the Federal court so much as it lies in the machinery which is purely under the control of the Congress.

Mr. REED. Yes; but primarily the litigation is under the control of the judge of the United States District Court. It is of the conduct of the case in the courts of which litigants have complained. However, not that I am unwilling to pursue this topic to the end, nevertheless we are getting very far aside from the theme that I was discussing.

Mr. BORAH. Will the Senator pardon me just a moment?

Mr. REED. Certainly.

Mr. BORAH. I have been an advocate to some extent since I came into the Senate of reforming the practice in the Federal courts, and particularly with reference to the instructions which the court may give the jury, and on questions of fact, and to those matters over which we have jurisdiction and control here.

Now, I am not entirely out of harmony with the view expressed by the Senator from Missouri, but I am out of harmony with the reasons for those evils as the Senator views them. I think it lies with us very largely to correct the evils and to apply the remedy for these wrongs, and if we should prescribe, as it should be our duty to do, a correct code of practice for the Federal court with reference to jury trials, I think we would have very little cause of complaint.

Mr. REED. Mr. President, the distinguished Senator, and I admire and respect him, inadvertently conceded the whole of what I have said and much that was said by the Senator from Arizona [Mr. ASHURST], when he said that what we needed was legislation here which would regulate the instructions to juries. In other words, these courts, armed with the broad power of instruction, have abused that power to such an extent that Congress must step in to reform the abuse. That certainly is the inevitable logic of the Senator's statement.

Mr. BORAH. Mr. President, and as usual, Congress being in fault finds it much easier to lay the fault upon some one else than to perform its simple duty.

Mr. REED. I do not agree with that. I do not agree that you can shift the responsibility in that way. If under the law

Congress has given a broad power to a court, leaving it to the judge to instruct as he should instruct, and then if that judge has abused his power, it is no excuse for him to say, "You ought to have tied me so tight that I could not have done wrong." Whenever a man says that, he admits that he is the primary wrongdoer. Nevertheless, the responsibility may rest upon us, in view of that patent wrong, to bind his hands so close that he can not further perpetrate the wrong.

I will stand with the Senator to reform these wrongs. I agree with the Senator that when we come to reform them Congress ought to accept its full share of responsibility and approach that duty bravely and conscientiously. I will go a little further than I think the Senator goes, for I do not believe that the good Lord has ever made a man yet so good or wise that he ought to be placed in a position for life, and held responsible to no one; I will go with the Senator, if he will go with me, and endeavor to secure the submission of an amendment to the Constitution, limiting the terms of all Federal judges to 10 or 12 years, to the end that if mistakes are made in their appointment or if they prove to be incapable or unjust, there may be some other termination to their term of office than the stroke of death or the almost futile remedy by impeachment.

I will be glad to sit down and collaborate with the Senator in framing a law which will change the Federal judicial system. But every word the Senator has stated makes it plain that I am right when I protest against driving all these railway men into these Federal courts that so much do need legislative reformation.

Returning to the theme that I was discussing when I was interrupted and led far afield, I repeat that there has been no expression of opinion on the part of the railroad men of this country who are affected by this bill, that three men have, and, in fact, one man has, undertaken to speak for them; and that Senators here are abdicating the throne of their own judgment and reason and proposing to support this measure upon the assumption that it is the voice of the railway men they are responding to when, in fact, they are responding to the voice of one man.

Mr. President, as high an authority as any one of these men is the president of the Brotherhood of Locomotive Firemen, Mr. Carter. This man's opinion is entitled to as much weight as the opinion of Mr. Wills. He is just as earnest, just as intelligent, just as patriotic, just as learned, and just as high in position. The opinion of Mr. Carter is that this bill is as full of iniquities as an egg is full of meat.

I hold in my hand an article written by Mr. Carter in the form of a special or supplemental report which I do not at this time intend to read, although I think before this discussion is ended I shall ask to have certain portions of it read from the desk. But this one statement I want to read. I trust those Senators who think that this is a bill supported unanimously by the railroad men will give heed to the language of Mr. Carter, the international president of the Locomotive Firemen and Enginemen:

The proposed bill has the earnest indorsement of President Taft and every member of the commission, of all representatives of railway labor organizations that have spoken upon the subject, and yet I have promised to analyze this bill from a critical standpoint.

Now, the language I am about to read I call attention to. I have read that which I have read to give the context:

At the recent joint conference of the eastern and western federated boards of the Brotherhood of Locomotive Firemen and Enginemen, which body officially represented the locomotive firemen of 157,580 miles of railway in the United States, a discussion began that indicated the passage of a resolution condemning this bill. At my earnest solicitation the discussion was discontinued and a resolution indorsing my action in withdrawing from the joint national legislative arrangement in support of the proposed measure was tabled only after my repeated requests that the entire matter be not thus disposed of.

Then this man goes on to state, in substance, that because of the gravity of this case, because of the magnitude of the matter concerned, because such great interests were to be affected, he did not desire to have any differences arise between his organization and affiliated organizations, and he had held the matter in abeyance. He discusses this bill almost from the judicial standpoint, and I use the term judicial in the high sense in which it ought to be used. But he ends by pointing out scores of defects in the measure. Mr. Carter speaks with the same authority for his organization, the enginemen, as does Mr. Wills for other organizations.

In this connection I desire to present and have read a document which has just been handed to me and which is addressed to the Congress of the United States and was sent here by the order of Knights of Labor, the local lodge of this city.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

OFFICE OF RECORDING SECRETARY,
ORDER OF KNIGHTS OF LABOR, D. A. 66,
Washington, D. C., May 2, 1912.

To the Congress of the United States.

GREETING: We respectfully state that at a regular meeting of District Assembly No. 66, Knights of Labor, held this 2d day of May, 1912, at our headquarters, No. 609 C Street NW., the Senate and House bills, commonly known as the Sutherland-Brantley bill (S. 5332 and H. R. 20487), was read and discussed section by section, with the result that I was instructed to forward the protest of said district assembly against the passage of said bill because instead of being an improvement on the existing law it restricts and minimizes the benefits of the present statutes, and nullifies even the common law. Our present law in the District of Columbia is far preferable. We fear that those who have petitioned the Congress for the passage of this law have done so under the misapprehension that it enlarged their rights in the premises instead of contracting them and saddling one-half of the cost on our already overloaded backs and lifting it from the water-logged treasuries of the railroads, who are the defendants in these cases and are trying to shift their growing responsibilities under the laws lately enacted in which our rights are properly safeguarded.

Very respectfully,

E. J. DAKIN,
District Master Workman.

By order of the district assembly and under its seal.

Mr. REED. One word further in regard to the manufacture of this alleged sentiment that is so often referred to here.

Mark you, the rule is that men working in the ranks of labor have their lips closed to offer any opposition to this measure, but, of course, they have no restrictions placed upon them when they are speaking in favor of the bill. Accordingly, we ought to be able under those circumstances to get plenty of evidence for the one side that is allowed to produce witnesses.

So I find that Mr. Wills has been sending out appeals for help. It is the cry of the Macedonian, Come over and help us, but it goes along with the implied statement, If you are against us, keep mighty quiet. Here is a draft of his last letter with which he is flooding the country:

Should you desire the principles of the workmen's compensation bill, which is now practically up in the House of Representatives for consideration, enacted into law, it is important that you should, without delay, write and wire your Congressman, not giving him your opinion on the bill but urging him to favor this bill without amendment, as amendments are dangerous.

Why dangerous? Here is the Senate in which, in my opinion, there is not a man who will arise and oppose a proper workmen's compensation act. Why then is it dangerous to add an amendment to this bill which would increase the protection to these men? Why is it dangerous to add a single amendment to this measure? If we were to provide that compensation should be given to the 16-year-old daughter of a slaughtered engineer who has not a dollar to live upon, to the end that she might gain an education and fit herself for the battle of life—if we would add that sort of an amendment, would it jeopardize the bill in the Senate? Would it jeopardize it in the House? Would it jeopardize it anywhere among any set of men who are honestly in favor of looking after these great laboring classes? It will not so jeopardize it unless those who profess to be friendly to this legislation are in truth against any proper protection for these men, and are advocating this measure because it is a procorporate measure.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. My attention was attracted by a suggestion made by the honorable Senator that the men in the lower grades were not permitted to oppose legislation. Is that a provision in the rules or regulations of the labor unions?

Mr. REED. Mr. President, I have been discussing that very question for three hours and a half, I think. I have read the rules of the organization; I have read some of the testimony given before the subcommittee of the Judiciary Committee, and the Senator from North Carolina [Mr. OVERMAN] has made a statement of the facts.

Mr. GALLINGER. I will say to the Senator that I have been attending a committee meeting to-day and I did not have the privilege of hearing the Senator. He has not discussed it certainly three hours and a half, because we have not been in session that long a time.

Mr. REED. It seems to me like it was six hours and a half, Mr. President.

Mr. GALLINGER. It struck me as being very remarkable, because there is great clamor on the part of the labor men that the post-office employees should not be permitted the privilege of protesting, and I think they are about legislating upon that point, and it occurs to me that these men ought to be granted that privilege. It is a great hardship if the labor unions deny it to them. That is what attracted my attention. I may be wrong about it.

Mr. REED. The matter has been made rather plain, and as plain as I can make it. I do not care to have any rule of the organization, whether it is wise or unwise, set up in bar of any legislation which we may see fit to enact, which will overturn the outrageous rule dictated by Theodore Roosevelt when he was President, which said to a post-office employee that he must not petition Congress. I trust that this rule of the labor organizations, whether it is a bad rule or not, will not be pleaded in bar of a law that proposes to set aside that decree of Theodore.

The evidence I have submitted, I think, effectually disposes of the claim that there is a universal sentiment in favor of this bill, and brings us to the position that this bill, like all other bills, should be considered upon their merits.

I have not been addressing myself at this length to the particular topic I have considered because I think it ought to be material. My opinion is that when Congress comes to enact a law they ought to give ear and heed to suggestion and argument from every part of the country and from all classes of people. No man is so humble that his prayer should not reach attentive ears. Neither is any man so great that his word should be a word of command.

So we ought to consider this matter now, as some Senators are not considering it, upon its merits as a bill, not upon the hypothesis that it meets with the approval of three or four men who happen just now to be in possession of authority among labor organizations.

Before I begin a discussion of the bill I want to state my position.

There are men here going to vote for this bill who have fought organized labor all their lives. There are men here who would not consent to an adjournment for five minutes, so anxious are they to have this measure rushed through, whose hands have been against organized labor ever since they were old enough to lift their hands, and, singularly enough, at least some of the men who believe this bill ought to be closely scanned and analyzed have stood as the friends of labor. I do not refer to that kind of friendship which is used as an asset to be traded upon, but to the sincere adherence to those policies which make for the advancement of the cause of labor.

Every railroad in the United States is for this bill. Every railroad president is for it. Every claim agent is for it. I expect every Federal judge who would like to have another appointee is for it.

I am in favor of a workmen's compensation act. I am in favor of a workmen's compensation act which will preserve to the employees the rights they now have under the law, and which will extend the beneficent protection of the law to those classes of laboring men engaged in the hazardous business of railroading who are not included within the protection of the present law.

I do not believe in order to have a workmen's compensation act that as a preliminary to obtaining it you must take away from men their constitutional and legal right. In order to extend the benefits of legislation so that it will protect those men who are injured by virtue of the unavoidable accidents or the risks incident to and inherent in the business it is not necessary to take away the legal rights which are now guaranteed by the law.

I am in favor of a workmen's compensation law that will confer rights in addition to the rights the men now have. I do not believe they must purchase that kind of law by yielding their present legal rights. Why should they yield any portion of their legal rights?

Let us stop and consider what this bill does. I give an illustration:

I am a locomotive engineer. My employer hires a careless switchman; I have no part in his selection; I have no chance in the world to regulate his conduct; I am obliged to take my engine out upon the road; the careless switchman carelessly selected neglects to close a switch; my engine plunges into a ditch; both of my hands are destroyed. I was not to blame; I had done no wrong; I had omitted no duty; my hand had been upon the throttle, my eye upon the track. The risk was not inherent in the business.

The accident was not unavoidable; the risk—the danger—came because a negligent man had been put in an important position. And now I come to ask that I be recompensed for the loss of my two hands. What does the judge say to the jury? "You can give this man only such sum of money as will repay him for the actual loss he has sustained by reason of the wrongful act of his employer." I get paid in cold hard dollars only for the actual injury I have suffered. That is the law. Is it unjust to the employer? Is there any reason that any part of the money due for actual loss suffered should be taken from

me? Who will stand in a tribunal of conscience and justify the proposition that I should be deprived of that which only compensates me for the loss I have suffered by the wrongful act of the railroad?

But now we come to another class of men who have not hitherto been protected by the law. You propose now to give to those men a measure of protection. I refer to that class who are injured through no fault of theirs and through no fault of a fellow servant, but simply because of the inevitable risk and danger of the business. They have not hitherto been compensated under the law, and you have no right to compensate them now unless you bottom that right upon the equities of their case. Unless, as a matter of justice and a matter of right, they ought to be compensated, then you have no right to grant compensation in this bill or in any other bill. When you give compensation by this bill you admit the fundamental proposition that it is equitable and just that they should be compensated. The question, then, to be determined is, If we are to compensate them, shall we put the burden of their compensation upon the business in which they are injured and out of the risks of which came the damage to them? Shall we load it upon that business and make it carry the charge or shall we take it from the men who have just and legal claims? Shall we take it from the man who was not negligent or shall we take it from the business? Shall we put the burden upon the railroad company and the public that patronize it or shall we put the burden on the nonnegligent engineer who did nothing wrong? Shall we take the money out of his pockets and out of the pockets of his wife and his children or shall we take it from the company and load it on the business? That is the issue here, and there is not a man living who can stand and debate it before these men and let them hear the debate who can justify taking the money from the nonnegligent men rather than the railroad.

"I have a just cause for my two hands gone"—I come back to my illustration—"and here is another man injured because of inevitable risks of the business. Shall the money that should come to me for my right hand be taken away from me and given to the other man in order that he may be compensated, or shall it be taken out of the railroad business? You propose to make me give up the value of my one hand to compensate the man who has a just claim, but not a legal claim"—a claim that you propose now to make a legal one—"you say, give up the money due you for the loss of your right hand for the benefit of a man who has no cause of action. I say, give me pay for my two hands; I am entitled to it; God, in his justice, meant that I ought to be paid for my two hands. The law says I should be paid for my two hands. Do not, therefore, deny this man who has no right under the present law; pass a law giving him compensation, but do not take the value of the pieces of my body to pay it with; pay it out of the earnings of the business." Why do you not do it? They did it over in England; they do it everywhere where they are not corporation-ridden.

I agree that I will vote—I will gladly vote—to pay a reasonable sum of money to any poor fellow who is injured in a railroad accident, so long as he did not bring that accident upon himself by his own willful misconduct. I will agree to have that money paid out of the earnings of the road, which in the last analysis would make it fall upon the public in general. I will not consent to take from the man who loses both hands the price of one of his hands to compensate the man who has no rights at all. Rather, I will put that burden upon the traffic where it belongs, and give to all these men protection.

Why should we not do it? In the evolution of our law, we must move forward. Why should we not take this step? There was a time when you could not recover at all against your master. We have passed beyond that. There came another time when you could recover when the master's own negligence was the direct and immediate cause of your injury and you were not negligent at all. We have passed beyond that. There came a time when if you were injured by the act of a fellow servant you could not recover, and there came a time in the enlightened progress and advancement of jurisprudence when you could recover if you were injured through the act of a fellow servant. There came a time again when we reached the high-water mark, when Congress passed laws that wiped out the doctrine of the assumption of risk, that wiped out the fellow-servant defense, that wiped out practically the doctrine of contributory negligence, and allowed men to recover, taking into consideration the degree of their negligence. Why should we not now take the further stand that the complications of business, the vast extension of industrial plants, the employment of dangerous machinery have changed the rela-

tions of the employee to the employer so that men who are engaged in these dangerous fields of enterprise ought to be compensated. As we care for the soldier who is injured upon the field of battle, why should we not care for the men employed in occupations equally dangerous, equally necessary to our national life and progress?

These men are soldiers in the great industrial army, and they are obliged to risk life and limb, as are obliged to risk life and limb the men who stand in the red line of battle, and they are equally entitled to our protection. Why should we rob the man who has lost both hands or both feet in order to take care of these other men whom we now propose to bring within the protection of the law? Why not load the business with the additional burden as it should be loaded? It is a burning shame; it is a disgrace to our civilization that it is not done.

Why, sir, the principle ought to be extended beyond railroading. We are now constructing great skyscraper buildings that rear their lofty heads so far above the earth the eye is puzzled and the brain is rendered dizzy by contemplation. Yet scarce one is ever built but takes its toll of human life. The men who stand on swinging beams high above the ground, who look like spiders clinging to ropes and spars at appalling heights, risk their lives each moment they are at work. It is but right that those who take these tremendous risks should know if they are dashed to pieces their families will not be condemned to penury and want.

The list of vocations could be well extended to cover other dangerous employments.

But I come back to this bill and ask why rob the man who has a just cause, and out of his pocket, out of his blood money, out of the price of his life, take something to compensate these other men, who you admit have a just claim? You admit it when you bring their case here and propose to give them compensation. Why not compensate them from the business instead of from the money of widows and orphans? Why, I ask, take the money from the 16-year-old daughter of an engineer instead of taking it from the railroad company and the business? Why say to the engineer who goes out upon his engine and leaves at home a daughter 14 years of age, another 15, another 16, and another 17, "if you are killed to-night they will contribute a meager sum to take care of your 14-year-old daughter for two years; they will contribute a little to take care of your 15-year-old daughter for one year, but all your other children must be turned out to shift for themselves." Is that the friendly kind of legislation we are having here? Senators, this bill is a monstrosity. Every man who votes for it is voting for a bill so iniquitous that it will rise to curse him.

Mr. MARTINE of New Jersey. Will the Senator yield to me a moment?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Jersey?

Mr. REED. Certainly.

Mr. MARTINE of New Jersey. I should like to ask the Senator if, with the amendment I am about to suggest, his objection would be relieved? I realize the force of the argument that is being presented by the distinguished Senator. Section 30, on page 44, reads as follows:

SEC. 30. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before this act shall take effect.

I would add to that the words "or after this act shall go into effect."

Mr. REED. Why, if you will put that in this bill I will take my seat and thank God the light has at last broken.

Mr. MARTINE of New Jersey. I will say, Mr. President—

Mr. REED. I believe my good friend, who always wants to be right and always is when he does not separate from me [laughter], is going to stand with me for that proposition.

Mr. MARTINE of New Jersey. My hat is off to you, and I shall offer that as an amendment when the proper time comes, but if it does not prevail, I shall vote for the bill.

Mr. DAVIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I yield to the Senator.

Mr. DAVIS. I suggest to the Senator from Missouri that if the Senator from New Jersey should be successful in incorporating his proposed amendment in the bill he would prevent the passage of the bill. Senators on this side of the Chamber, I apprehend, would not want the bill at all with that amendment.

Mr. REED. I am not going to take the uncharitable view that they would vote against the bill because of that humane amendment. That is what I am contending for here, and I will say to the Senator from New Jersey that I think his amendment is in almost perfect shape. I have not examined it critically,

as I would if it came up to be voted on, but the idea is there beyond a doubt, and it appears to be well expressed. If you will simply make this bill so that it may be taken advantage of by the railroad men at their option, if they prefer it to their present rights under the law, we will end this discussion now, and I speak for every man on this side of the Chamber who has hitherto been opposing this bill. I think we can pass it unanimously in five minutes' time with that amendment.

Mr. DAVIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I do.

Mr. DAVIS. In order to make the record absolutely correct, I want it stated in the RECORD that when I made that suggestion a few moments ago I was sitting on the Republican side of the Senate.

Mr. REED. Mr. President, we have not got to the point where that amendment is consented to. If the learned author of this bill is prepared to say now that he will accept any such amendment as has been suggested by the Senator from New Jersey [Mr. MARTINE] we will frame it very quickly and end all discussion; but I am fearful that the Senator from Utah does not agree with the Senator from New Jersey. However, I am pausing now in the hope—it is very faint, but still a hope—that he may consent.

Mr. President, in the absence of any encouraging expressions I shall be obliged to continue discussing the bill. If the bill were a cumulative remedy, I would not object to it, but since it is an exclusive remedy and wipes out all the old common law and statutory rights of these men—every right they have on earth—and substitutes this bill for them, it is important we know what is in the bill.

The first thing I want to call attention to is a provision in the bill that you do not find in ordinary laws, and you can not find justification for it in this bill. We have had some experience in the course of the ages with what is a proper rule with reference to the time in which men can bring their actions; we have statutes of limitation; but there has never been a State yet so corporation ridden that it denied a man his right of action unless he gave notice of it within 10 or 20 days after it had arisen. Always the right of action for two or three years is preserved. The only kind of concern that has required immediate notice, and notice of the character contained in this bill, is an insurance company, which demands notice of a loss within a very few days after the fire has occurred. They have that rule probably for two reasons: First, inadvertently some men fail to comply with it and the company thus acquires a technical defense; and, second, there is a special reason why an insurance company should be given prompt notice; but the courts have invariably held that where notice is required even by an insurance company, and the company has actual notice, written notice is not necessary. The courts have invariably held that a claim against an insurance company can not be defeated if, in fact, the agents of the company, duly authorized, knew of the fire. But here is a bill that right in its inception contains a provision which can not be justified by any man on earth and it will not be justified on this floor. Let me read it:

SEC. 7. That it shall be the duty of the injured employee, immediately upon the happening of the accident, or as soon thereafter as practicable, and not later than 30 days thereafter, and likewise in case of his death by such accident the duty of one or more of the dependents of an employee, within 30 days thereafter, to give or cause to be given to the employer written notice of the accident causing such injury or death, stating in ordinary language—

Mr. MYERS. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. Certainly.

Mr. MYERS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Montana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Curtis	Martine, N. J.	Sanders
Bacon	Davis	Myers	Shively
Bourne	Dillingham	Nixon	Simmons
Bristow	Fall	Oliver	Smith, Ariz.
Brown	Fletcher	Overman	Smith, Ga.
Bryan	Foster	Owen	Smith, S. C.
Burton	Gallinger	Page	Stephenson
Cañon	Gardner	Paynter	Sutherland
Chamberlain	Gore	Penrose	Swanson
Chilton	Johnston, Ala.	Perkins	Thornton
Clapp	Jones	Poin Dexter	Townsend
Clark, Wyo.	Kern	Pomerene	Warren
Clarke, Ark.	Lea	Rayner	Wetmore
Crawford	Lippitt	Reed	Williams
Cullom	McCumber	Richardson	
Cummins	McLean	Root	

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. A quorum of the Senate is present.

Mr. REED. Mr. President, I was reading the requirement of the bill in regard to notice. I would be delighted if the Members of the Senate would give their attention to this, and particularly if the author of it would give his attention. I begin again because of interruptions:

SEC. 7. That it shall be the duty of the injured employee, immediately upon the happening of the accident, or as soon thereafter as practicable, and not later than 30 days thereafter, and likewise in case of his death by such accident the duty of one or more of the dependents of an employee, within 30 days thereafter, to give or cause to be given to the employer written notice of the accident causing such injury or death, stating in ordinary language the time, place, and particulars thereof, the name of the injured or dead employee, his class of service, and the address of the injured employee or person giving the notice.

If this bill stopped there it would be bad enough, but mark this:

Provided, That where it is made to appear that the party herein required to give such written notice has been prevented from giving it through or by reason of mental or physical incapacity, ignorance of law or of fact, or the fraud or deceit of some other person, or from some other equally good cause, the same may be given after the expiration of said 30 days, but not later than 90 days from the date of the accident or death.

Now, any court would construe that to mean this: You must give notice within 30 days, unless you have a good excuse. If you have that good excuse, as specified in the bill, you can then give it within 90 days; but if you fail to give it within 90 days your cause of action is dead.

Let us see how that would work out. It applies to dependents, to the relatives of the dead men as well as to the dead. We may well conceive of a man being killed and his relatives not hearing of it for 90 days of time. They might be abroad; any one of a thousand different sets of conditions might exist that I will not weary the Senate with relating, because they will spring to your minds at once. Mark you, this excludes everybody who does not get in within 90 days. The dependent might be a child six months old, without a representative on earth, without anybody to speak for it. It is cut out. Under the common law or the statutory law its rights would be reserved to it until it arrived at the age of 21, because in the kindness of the law the rights of the infant are preserved, but the first thing this bill does is to strike down all the rights under the old law and give only the rights here reserved.

This bill says no matter what the circumstances are, no matter what the conditions are, if the child is only 6 months old, if the wife is living but is non compos mentis or so sick she can not raise her hand or look after her business, for all time the claim is cut off. Is there anybody in this building, is there anybody in the Senate Chamber—and I had almost included the occupants of the gallery—willing to vote for that? It does not provide even if the railroad company has notice from other sources that that shall be sufficient.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Certainly.

Mr. SUTHERLAND. I have refrained from interrupting the Senator with reference to a great many statements with respect to the bill, but what he is saying now is so far from what the provisions of the bill are that I should like to call the Senator's attention to them.

Mr. REED. Certainly.

Mr. SUTHERLAND. Section 15, on page 26, provides:

SEC. 15. That while any person entitled to compensation under this act shall be an infant or mentally incompetent, his natural guardian or guardian or committee, appointed pursuant to law, may on his behalf perform any duty required or exercise any right conferred by this act with the same force and effect as if such person was legally capable to act in his own behalf.

Now mark:

No limitation respecting the time within which any right under this act is to be asserted shall, as against such infant or incompetent person, run while such infant or incompetent person has no guardian or committee: *Provided, however*, That the foregoing shall not apply to cases of infancy where the infant is over the age of 18 years, but such infant shall be treated for all purposes of this act as though of full age.

Mr. REED. Mr. President, the original section which I have just read, section 7, relates to the notice that is to be given of the injury, while section 15 relates to the assertion of the rights after the notice has been given. It is the method of procedure afterwards, and it does in a very imperfect way attempt to save the rights subsequent, the rights which have been called into existence by the giving of the notice.

I do not think the Senator from Utah, when he comes to consider those two clauses together, will stand upon the position he has taken.

Manifestly the demand for written notice in the law ought always to give way to actual notice. Here is the way this

thing would be worked or could be worked by a dishonest or unscrupulous claim agent. A man is injured in a wreck. A dozen people are killed. Everybody who reads a newspaper knows about it. The claim agents are there. The officials of the road are there. They see the mangled body of the engineer or fireman. They know all about it. The injured man is carried home to his stricken wife. He lies there, perhaps unconscious for days, incapable of doing any business. The woman appalled by the awful catastrophe is likewise incapable of attending to business. The claim agent is there. He says, "You do not need to give any notice." It is true that would be considered a fraud, and that would relieve the injured party from giving the notice within 30 days, but if he continues that sort of flattering and soft talk until 90 days have passed the woman is debarred from any recovery, although every official of the railroad, every employee, from the water boy to the president, knew all about it.

Why is there any such trick in this bill? Why any such deadfall? I do not mean to say it was put there for that purpose, but it simply shows when you wipe out all of the old laws and write a new one you had better be careful how you write it.

Mr. WILLIAMS. If the Senator from Missouri will proceed with the reading for a moment or two, just after what has been read by the Senator, he will find that there occurs this language:

In the absence of such written notice—

That is where no notice has been given at all—

the employer shall not be liable to pay any compensation under this act unless, in cases where the injury has resulted in the absence from work of the employee for at least 2 days and in case of death, it is made to appear that within such period of 30 days such employer had actual knowledge of the injury or death.

Does not the Senator think that extends the time?

Here is what follows that:

That in case of death resulting immediately or within 24 hours from the time of the accident notice thereof shall not be required.

Mr. REED. I want to discuss this bill frankly, and I say to the Senator I have not given full attention—the attention I ought to have given—to the language he has just read. It is barely possible that that provision partially covers some of the cases I have referred to, but in other instances the defense would still, I think, be open.

Now, Mr. President, I want to proceed to another proposition contained in this bill, and it is one I feel ought to receive the most careful consideration of the Senate. It is true there is a provision here in the case of an injury for the appointment of committees which may adjust by agreement the amount to be paid. But, Mr. President, that can be done under the present law. No legislation is required for that, and even if it was it would not be necessary to pass this bill in order to enact that measure.

But aside from that, the ordinary course of procedure is a hearing before an adjuster. I know that in this day and age of the world it is very popular to denounce men possessing a knowledge of the law, and yet there are very few men who would want to have a great property right or a great right of liberty carried before a man ignorant of the law, and for this patent reason: The law is the only means by which a man gets protection in his rights, and the only man who can construe that rule for the protection of human life and human rights is some one who knows what the rule is. Therefore disputes involving large property interest are not turned over for decision to men ignorant of the law.

We have justices of the peace who are not required to be learned in the law, but their jurisdiction is limited to small and trifling matters. But when we come to the question of the selection of these so-called adjusters by the Federal judges, there is no requirement that they shall have any knowledge of the law whatever. They need possess no other qualifications than those possessed by an ordinary justice of the peace—an ordinary layman—and yet we put into their hands not small and trifling matters, but questions which involve large sums of money and the very delicate questions of law.

It is not true that this bill fixes the amounts which are to be paid in cases of injury. It is true that it fixes the amount that is to be paid for certain injuries, but if Senators will examine the bill they will find that the number of injuries which are specified are exceedingly small compared with the injuries which actually do occur, and when the amount is not actually fixed, then it is to be determined by your adjuster. It is not fixed by the law, but he must pass upon the facts and he must determine the rule of law under which he is to weigh these particular facts and arrive at his conclusion. If any man will examine the rules by which the damages are to be estimated according to this bill, I think he will find it one difficult for him to understand.

Thus there is put by this bill into the hands of these men who may be unlearned in any principle of law the decision of these great questions of facts and of law. They are armed with authority as great as the court itself in most particulars—not in all; I will not stop to point out the limitations.

The first real step to be taken under this bill is this: A Federal judge appoints the adjusters. I assume he will appoint some such men as they have heretofore appointed by the courts as commissioners. We may therefore expect that some politician out of a job will get this. In that one man's hand is placed the important business of determining what is due all the railroad men of a judicial district.

Will this bill lessen litigation? I am putting it now to Senators as practical men? Will it not rather increase litigation? At the present time any man can get his trial by filing his cause in the court. He has one trial, and then follows judgment. But under this scheme you start with a trial before this so-called adjuster. You summon witnesses. I am not sure whether he can take depositions or not. If a man lives a distance from a Federal court he may be required to travel all that distance with his witnesses in order to obtain a hearing.

It was said here the other day that there is only one Federal court in the State of Arizona. In that case a man might have to travel clear across that State to have a hearing before the adjuster. The expense incident to this sort of trial is substantially as great as in an ordinary trial in court. Imagine a case of that kind, where a man has received an injury, perhaps not of the most desperate character. The railroad refuses to settle with him. He can not try that case in his local court. He has to travel across the State or part way across the State to see the adjuster. There he can have a hearing, which is in all respects a trial. This scheme gives the claim agent an advantage which will be quickly seized. He will say, "We will take you before the adjuster; you will have to travel a great distance and carry along your witnesses. Then, if you beat us there we will appeal to the Federal courts, and we will keep you in the courts until you will regret not having accepted the amount we offer."

After you have got through trying your case once before the adjuster, then either party may appeal to the court, and for the first time you are in the position where the law now puts you. You have to go through the adjuster's court under this bill before you are as far advanced in the course of litigation as you are now without this bill. When you get to the Federal court, what happens? Then the first thing is to attempt to deprive you of a jury trial. There is not a man who ever defended a railroad company or any other concern in a personal-injury suit who would not have been glad to have waived the jury and gone to the judge. There is not a man who has ever tried one of these cases for a plaintiff who would not have been glad if he could summon a jury to pass upon the man's injuries. The attempt therefore to deprive the injured employees of a jury trial is one of the startling things attempted by this bill.

Why require a notice within five days of a demand for a jury? Why did they give the jury trial at all? The only reason jury trial was not abolished is because, if the railroad presidents who sat upon the commission that framed this bill and the attorneys who were advising them, knew that the bill would be unconstitutional and that it would fall dead from the hands of him who penned it if the right to a trial by jury was utterly refused.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Missouri yield to the Senator from Oregon.

Mr. REED. Certainly.

Mr. CHAMBERLAIN. I challenge the statement of the Senator that "railroad presidents" sat on that commission. There was one railroad president who did sit upon the commission, and he was appointed by the President.

Mr. REED. I will adopt the singular instead of the plural.

Mr. CHAMBERLAIN. I want to say that the labor organizations were represented there in the person of Mr. Cease. The other members were Members of the House or Senate.

Mr. REED. Yes. I did not mean to say there were two presidents there. There was one, and it has been openly stated, if I mistake not, by the Senator who has given his name to this bill, that they would have been very glad to have done away with the jury trials altogether.

In the name of all that is good, when has it come to the point that Congress proposes to lend its aid to circumscribing the right to trial by jury? I repeat, as I understand the situation, this commission would have denied the right of trial by jury altogether, save that the Constitution would have been violated and the bill would have been a dead letter. Abrogate the right to trial by jury when that jury is invoked by a man

injured in a railroad wreck, seek to circumscribe it and hedge it about when the person who is there appealing is a widow in her weeds or a child in its swaddling clothes! Strike down the right of trial by jury! Circumscribe it by a bill here in Congress! Why, sir, every man who has read the history of his country and his race knows that trial by jury is the sheet anchor of human liberty, and that so long as trial by jury is preserved inviolate even the tyrant upon his throne can not destroy the substantial rights of a human being so long as he can demand the verdict of 12 good men among whom he lives. Why, in addition to taking away from these men the right to a trial in the courts of their own State, try to take from them a trial before a jury, even a Federal jury, summoned by a Federal marshal?

Do you, sir, and you, and you, give sanction to that clause of this bill, and, if so, why do you do it? If it be right to circumscribe trial by jury, then let us amend the Constitution and take it away altogether. If it be wise to circumscribe the right of the workmen who are injured to have their cases passed upon by 12 men, and if we are, as far as possible, to turn them over to the tender mercies of judges who are appointed for life—to any court, appointed or elected—then why not do it in all cases? Why not amend the Constitution and do away for all time in all cases with jury trials?

I know there are men in this country to-day who would wipe out jury trials. I know there are men in this country to-day who do not believe that the common man has intelligence enough to sit upon a jury. I know there are magazine writers and publicists who give to the country their views that only ignorant men sit upon the jury. But I say, sir, in this presence that I would rather have my rights tried, if I had a just and decent case, before 12 men who could not read or write, but who have had experiences in life, whose hearts beat in sympathy with the trials and struggles of the great mass of men, whose souls are thrilled with human sympathy, whose hands touch the horizon of human feeling—I would rather be tried by them than to be tried by the wisest judge who ever sat upon the woolsack. And so would every other man who understands that, after all, the courthouse is the citadel of human rights and that the right to a jury is the keystone which supports the arch of the citadel. Yet here is a bill, written for the alleged protection of 1,650,000 railroad men, and it is proposed by this tricky measure to cheat them, their widows and their orphans, of a right guaranteed in the Constitution of the United States.

Mr. President, I ask how much of litigation have you cut off? You litigate before the adjuster. Then you litigate in the courts. They have to give you a jury, if you are quick on your feet and demand it. And then what? Then they read against you as prima facie evidence the finding of this adjuster. It will be held up there as the solemn decision of the court against you.

We have tried cases, some of us, and we have always known that it was error to introduce into the second trial of a case the fact of the decision having been a certain way in the first trial. That was to the end that you might have a trial upon the evidence produced there and then. But here it is skillfully written the adjuster's finding may be read and shall create a prima facie case. Do you call that protecting and taking care of the railroad men of this country?

I should like to meet some of the men who propose to vote for this infamous measure before great bodies of laboring men and hear them defend their attempt to deprive railway employees of trial by jury. I shall be delighted to hear their apologies for forcing them into Federal courts. Is there any necessity for forcing these men into Federal courts? Concede, now, that an adjuster might settle some claims; concede that he might be of some use, yet why should this Federal adjuster's decision be read as prima facie against either party?

If an appeal must be taken, why should it be taken to a Federal court? Will somebody rise and tell me why it could not as well be lodged in the circuit court or district court of the county, the State court, under whatever name it is, and why that judge could not as well hear the case, and a jury summoned by the county as well try the case as one summoned in the Federal court? Why? Because the adjuster is appointed by the Federal court does not change the relation of the litigants.

They tell us this must be a harmonious scheme; but why will that introduce disharmony into the system? I will wait a long while for a reply to that, and you will have, some of you, a long time to reply to it.

Now, Mr. President, think of this: Under the law as it stands to-day in the case of an injury, where there is liability, the widow is taken care of, the children are taken care of. The present law provides very explicitly, even in the absence of children or wife, that then the money shall go to the parents, if

I remember correctly its terms; it has been some time since I read them. Then, it goes, if there are none of these, to dependent relatives, and for the first time we find the word "dependent" in the present law. But what does this proposed law do? It provides that no children over 16 years of age can get a penny unless dependent.

Now, ordinarily, a lawyer reading that would say the word "dependent" means some one dependent upon the dead man for assistance in getting through life; but over in the back part of the bill we find the word "dependent" defined in a manner peculiar to this bill, and it is that no child is dependent when it is over 16 years of age unless it is incapable of earning a living because of mental or physical incapacity. So that the proposed law, speaking broadly, is so drawn that no child of a man who is injured, even through the grossest negligence of his employer, can recover after it is 16 years of age unless it be an idiot or a cripple.

That is a direct change against the interests of these men in favor of the railroad company. I want to know why it is in the bill. We are talking about taking care of these people, of assisting them, of aiding them, and the humane provision of this bill is that the rights of children shall cease when they are 16 years of age. They may be absolutely dependent upon the dead father for the bread that goes into their mouths; they may be without opportunity of education or chance of advancement in life, yet as they can not qualify as idiots or cripples they go without a penny.

Vote for it, all of you who desire; but, as for me, I will never say to the daughter or the son of a railway engineer, "Sixteen years of age you are to-day, and no further compensation comes to you from the dead hand of your father or the company that he worked for."

Why is that exception made in this bill? Is it upon the principle that it is right to compensate all, whether they are injured through inevitable accident or through negligence or because it is now proposed to include those injured through inevitable accident? Therefore, instead of charging it up to the business as an additional expense, we will take it from the widow and the orphan of those men who to-day have causes of action under the law, and from the man who loses his hands or foot we will take a part instead of taking it from the business.

Well, that is a fine piece of business; it is a beautiful piece of legislation. It is to be railroaded through this Senate. I ask again, Why this haste? Why not give these railway organizations a chance to examine and to speak? Why not see if the bridle can not be removed from their lips? Why not give the men interested a chance to investigate this bill?

I do not possess that degree of egotism which would lead me to believe that I could sit down in my office, even with the advice of a dozen good men, and draw a bill that some practical men working upon the road could not suggest an improvement to.

Only next week there meets a great body of these men at Harrisburg, Pa. Bring this bill before them. Let them discuss it. Let us hear from the men to be affected, not from the three or four men who assume to represent them, but the men who actually do the work and will be affected. There will be there representatives from all parts of the United States. I put it to Senators as a matter of fairness, Should not we wait to hear from those men? Should not action upon this bill be postponed until they can speak?

I have said I would not undertake to draw a bill, even if I had studied the question for years, without consulting the men who are daily engaged at the work and who are to be affected. They see the law from their own viewpoint; they feel the iron entering their soul every day and know where the lash cuts deepest into their flesh. I would not undertake to say that they could not make suggestions that would be of value to me. Other Senators, I am sure, feel the same way. Why not give this bill a postponement and let these men vote upon it?

I have expressed my views very strongly in regard to this bill. I regard it as a measure that is so fraught with iniquity that it ought never to become a law. But, sirs, I yield so high an allegiance, if you please, to the wishes of the men affected that if the bill were given to them and they had a fair opportunity to consider it and were to come back and say, "In view of our experience and after full consideration we want this bill," I would vote for it then, because I would believe I was yielding to men who had the experience.

But you Senators, sitting in your offices, with your multitude of duties, doing the best you can, as most men try to do in this world, but without the time to give to this measure full and mature consideration, are, some of you, blindly accepting the work of other men without having brought to it your individual judgment. In any event, I insist that as of right the 1,650,000

men to be directly affected ought to be heard before a bill so revolutionary shall become a law.

Mr. DAVIS. Mr. President, before the bill progresses to a further stage I desire to be heard for just a short while on its merits. But the hour is late and possibly there might be a desire to take a recess before I could conclude. If there is any inclination of that kind on the part of gentlemen who have the bill in charge I would be glad to have them so express it now.

Mr. SUTHERLAND. I think the Senator had better proceed. I think he will have ample time.

Mr. DAVIS. How long does the Senator want the Senate to remain in session?

Mr. SUTHERLAND. We are under a unanimous-consent agreement to pass the bill on this legislative day.

Mr. DAVIS. Does the Senator purpose having a night session?

Mr. SUTHERLAND. That is for the Senate to determine.

Mr. DAVIS. I mean by that suggestion, does the Senator purpose insisting upon the Senate remaining in session if the matter is not terminated soon?

Mr. SUTHERLAND. I think it is a little early in the day to determine that. It is not quite 4 o'clock. We have two hours or more before it will be late in the afternoon.

Mr. DAVIS. I can not quite understand the diligence of the Senator from Utah.

Mr. SUTHERLAND. I think the session can run until half past 6 or 7 o'clock.

Mr. DAVIS. Usually the Senator is the first man who wants to take out. Now he seems to be pressing for some reason I can not quite understand.

But, Mr. President, I see a disposition upon the part of the managers in charge of the bill to railroad the measure, as I see it, through the Senate without an opportunity being given to the men who are directly affected by the bill to be heard, and possibly without an opportunity upon the part of those who would like to debate it to have a chance to fairly express their views.

If I were permitted to do so, Mr. President, I would indorse absolutely the remarks of my friend from Missouri [Mr. REED] and take my seat, because he has expressed my views upon the merits of the bill most admirably. But I want to say a word for the man who is on the engine to-day—the man who is actually engaged in work. I want him to be heard in this Chamber, and not the paid lobbyist or the paid promoter of so-called labor organizations, who is ever present and hovering around the Senate Chamber.

There are some good men who come here representing labor organizations—many of them, no doubt—but there are some for whom I entertain the most supreme contempt. They do not represent anybody except their own selfish interests. They do not represent the real man who works, the man who toils and labors and sweats upon the engine or the fireman on the train or the brakeman who takes his life in his hands in the discharge of his duty. Those men are at work to-day. Nine-tenths of those men have not seen this bill. Nine-tenths of these men do not know what its provisions are.

I see distinguished Senators here on this floor who are supposed to have given some thought and some consideration to a matter of this importance, but who really do not know anything about the bill themselves. I confess I have not examined it as carefully and critically as I ought to have done. We have not had time to do it. This bill was only introduced here less than a month ago.

Mr. SUTHERLAND. No.

Mr. DAVIS. Other matters have engaged the attention of the Senate. Senators have been occupied with other duties. For the first time on yesterday this matter was really pressed upon the Senate for its consideration.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Will the Senator from Arkansas yield to the Senator from Utah?

Mr. DAVIS. Certainly.

Mr. SUTHERLAND. In order that the record may be straight upon this question I call the attention of the Senator to the fact that this bill was introduced February 20, 1912.

Mr. DAVIS. Certainly; I will give you credit for 30 days more.

Mr. SUTHERLAND. It was reported out of the committee on April 3, and about two weeks ago unanimous consent was given to vote upon it this day. So it would seem that there had been ample time given for its consideration.

Mr. DAVIS. I just missed it 30 days in my statement.

Why this unseemly haste, Mr. President? We had just as well be fair with ourselves, and we had just as well be fair with the country. We had just as well strip this matter of all at-

tempts at subterfuge and dodging and openly admit, because such is the case, that it is a measure not for the protection of the man who works and labors, not for the protection of the man who gives his life and his energy, his muscle and his brain to the duty of railroading, but it is a bill in the interests of the railroad itself. It is a bill attempted to be railroaded through the Senate to cut off the substantial remedies of the fellow who can not be heard on this floor. The brakeman who is engaged in his duties to-day can not come here before committees. The conductor can not come here. They send these lobbyists here, and after a certain stage of evolution they get to be congressional lobbyists. They come here and they forget the fellow back yonder on the train; they forget the fellow back firing; they become entranced with the glitter and tinsel and gloss of their surroundings. They immediately swell up and become great men. They become national characters. They represent great interests. They swell up like a "poisoned pup" in the sunshine, they become so inflated with their greatness.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Arkansas yield further to the Senator from Utah?

Mr. DAVIS. Certainly.

Mr. SUTHERLAND. Just whom does the Senator mean by lobbyists?

Mr. DAVIS. I mean the fellows who are here in the interests of this bill; your claim agents and your other fellows who are here that sat with this committee.

Mr. SUTHERLAND. Does the Senator mean the heads of the labor organizations?

Mr. DAVIS. I am talking about Mr. Whiting, and your men I do not know by name.

Mr. SUTHERLAND. Does the Senator mean the heads of the labor organizations?

Mr. DAVIS. Not necessarily, but for some of them I have but little respect.

Mr. SUTHERLAND. The gentlemen who were here were at the head of the railroad trainmen. Mr. Lee and—

Mr. DAVIS. I do not know them by name.

Mr. SUTHERLAND. Mr. W. S. Stone, head of the engineers.

Mr. DAVIS. I do not know them. I make no personal reference.

Mr. SUTHERLAND. Each one was here spending time helping in the preparing of this bill and indorsing it. Does the Senator mean those gentlemen?

Mr. DAVIS. I mean Mr. Whiting and your crowd of railroad men, if you want to know who I mean.

Mr. SUTHERLAND. Then the Senator does not mean the gentlemen whose names I have mentioned?

Mr. DAVIS. I do not know the men. I mean Whiting and—

Mr. SUTHERLAND. Mr. Whiting was here, and a great many other gentlemen were here.

Mr. DAVIS. And where is the president of the New York Central Railroad?

Mr. SUTHERLAND. He was a member of the commission.

Mr. DAVIS. He was put on the commission for a purpose.

Mr. SUTHERLAND. So if the Senator will call over the list he will see that Mr. Cease was on the commission who represented the employees and consented to this bill.

Mr. DAVIS. I do not know Mr. Cease, but he was a very poor friend of the employees if he consented to this bill.

Mr. SUTHERLAND. A great many people were here whom the Senator does not know.

Mr. DAVIS. Yes; but in the hand of proffered friendship there is concealed a dagger that will cut out the very vitals of the laboring man himself. Railroad men with the soft tread of a cat but with the claws of a tiger may come here under the guise of supposed friendship, and you attempt at one fell swoop to strike at the interests of the laboring man; and you are going to railroad the bill through the Senate, a bill that is revolutionary in its tendency, that destroys the fundamental law, and that takes from the laboring man every vested right he has.

Sir, when the fellows who toil and sweat, when the men who do the real work in these great industrial pursuits understand the real purpose and the real meaning of this bill they will rise to damn you.

My friend, the distinguished Senator from Missouri, showed that in less than two days how the sentiment of his State had changed. I pause to say that there are no brighter, more intelligent, capable railroad men in the country than those of Missouri. In less than two days they have changed their minds on this important question, and they have instructed their representatives to vote against this bill and to do all in their power honorably and consistently for its defeat.

I heard other Senators in the cloakroom, just an hour ago, say that in less than two days their constituents have reversed their position on this question, and that they are now urging them to defeat this measure.

Senators, why this haste? Why this anxiety? The convention of railroad employees will meet at Harrisburg, Pa., on the 8th instant. Can you not stay the hand of the despoiler until the 8th? Can you not let this measure rest, hair hung and breeze shaken as it is, until after the 8th? Why this rush? Is there something that you want to cover up? Is there something that you do not want the public to know? Is there something to conceal? Senators, let us have an open, fair fight on this measure.

I know the bill is going to pass the Senate. There is no use to argue against it. There is no use to talk; the edict has gone forth; the verdict is made up; the question is settled. For my part, I am not a filibusterer, but not until my right hand shall lose its cunning and my tongue cleave to the roof of my mouth will I be found giving assent to such a measure so full of rottenness and deceit as is this measure.

You are in an awful hurry, are you not? You want to get it passed before the labor organizations can be heard.

Senators on the other side of the Chamber, there has been a powerful cleaning out over there among you lately, and there is going to be some more cleaning out soon. The people of this country are awakened to the fact that they can not longer trust the Senate of the United States to give them what they want and what is fair.

I have been here but four years. I see a lot of strange faces over there. Lots of them have gone out and new ones have come in. Just as fast as the people can get a lick at it they settle it.

Why is that true, Mr. President? Why does that condition obtain? It is because the people of this country have lost confidence in the Government itself. They feel that it has become an engine of oppression and tyranny, that the just rights of the humblest citizen do not receive fair recognition at your hands. They feel that Mr. Whiting and the president of the New York Central Railroad sit too near the throne. The people have a right to feel that way when such measures as this are attempted to be railroaded through this body, which is known and spoken of as a great deliberative body.

Senators, why this rush; why this haste?

There is another point. Those of you who have charge of this bill and who are supporting it say that it is in the interest of the laboring man. One Senator told me the other day in private conversation that the railroads would pay out much more money under the operations of this bill than they do under the present system. Does anybody think I am going to believe that? Does anybody imagine for a moment that you could get the fellow who actually works to believe that? Do you think that you can convince me or the country that a railroad corporation is for a bill that compels it to pay out \$5,000,000 annually more money under the proposed system than it pays out now? Do you think you can make anybody believe that? The country is made to believe a good many things, but you are taxing their credulity too much when you ask them to believe that.

If you are really in favor of the laboring man and if you want to protect and preserve his rights, ask any lawyer who has charge of this bill and who is interested in promoting its passage why is it that you insist on putting this remedy as an exclusive remedy? Why do you want to take away the right of the laboring man to be heard in his own court, to be heard in his own forum, to be heard by a jury of his own peers, and make this remedy exclusive? Why do you want to do it, if you want to be fair? Is there any fairness in that, do you think?

I have heard it stated by a learned gentleman on the other side of the Chamber that even the English rule makes the right of procedure optional and does not make the remedy exclusive. If those in charge of this bill will adopt the suggestion offered by the Senator from New Jersey [Mr. MARTINE], then much of the objection to the bill will be eliminated. Why not do it? Because if you make the remedy optional with the laboring man, and he chooses to go this route through the Federal adjuster, through the Federal court, to the court of appeals, then he is his own guardian; he can pursue what remedy he chooses. But in the name of decency, Senators, in the name of fairness, in the name of the man who works and labors, I appeal to you to at least give the laboring man the right to select his forum, the right to select his remedy.

Do you know what you are doing when you pass this bill? Members of the Senate, it is the most revolutionary measure to which my attention has ever been called. It wipes out with

one fell swoop the common law, the statutory law, and the act of Congress recently passed, known as the employers' liability act, and which has not yet had an opportunity to be tested to determine whether or not it is satisfactory. It wipes them all out at one fell swoop and substitutes for them a piece of legislation which was formulated with the president of the New York Central Railroad and his chief adviser, Mr. Whiting, sitting close to the throne. We might just as well strip this, Senators; we might just as well stand up and count noses. As soon as the man who works and labors understands what you have done to him, that minute you are going to be called to the bar of public justice to give an account of what you have done here to-day.

I would not vote for this bill, Mr. President; I would resign my seat in the Senate of the United States before I would cast my vote for it. Why? It not only does an injustice to the man who is injured, but it does an incalculable injustice to the widows and orphans of this country, who, I must say, receive practically no consideration at the hands of Congress by this proposed legislation. Why, sir, the largest amount that a man can recover under this bill is \$50 a month, and that for eight years.

Take a man whose spine has been absolutely shattered and whose nervous system has been broken down, who is destroyed in body and almost in mind, who must live through life a helpless cripple and almost a maniac because of the negligence and carelessness of a fellow servant—take that man; he may live through a period of years; he was earning \$200 or \$225 a month as a railroad conductor or engineer, and say to his family, "You have got to nurse this cripple; you have got to attend to this shattered body and almost shattered mind for the remainder of his days, and all we will give you in the way of compensation is \$50 a month." And for how long? For eight years. Is that fair? Is there any semblance of fairness or justice in that? Would a railroad man working on a train to-day, taking his life in his hands, agree to such a measure as that? Do you consider that equity and justice? Do you believe that the railroad men will come here and say, "Well done, thou good and faithful servant; we applaud you for your kindness and for your generosity." Senators, stop and think before you do this thing.

I have been a friend of the laboring man all my official life. I was his friend as governor of my State for six years, and I have tried to be the friend of the laboring man since I have had the honor to be a Member of this body. I do not know what the laboring men in my State want; they have not conferred with me, but I know they do not want this bill. I know that this bill is inimical to their best interests, and I shall not support it.

Sensors, I say stop before you do this thing and carefully consider it; stop before it is too late. An attempt is being made to railroad this legislation. Put on the brakes, apply the air, put on the emergency, do anything, wave the red light, wave the danger signal, give the boys in the trenches, give the man at the throttle, give the laboring man a chance to be heard.

I want to talk for those men. I am not here talking for Mr. Whiting or the president of the New York Central Railroad. Do you know, my friend, that you need not lose any sleep about the railroads; they will take care of themselves. You know that. They have always done so in all the history of railroads. They will take care of themselves. They are nice kid-gloved fellows, you know. They have great social functions, and they are the cleverest fellows on earth, you know. They will say of the senior Senator from Maryland [Mr. RAYNER], to whom I am addressing my remarks now, "He is the nicest fellow on earth; he is the greatest constitutional lawyer in the world; we will invite him out to-night to a banquet." They will give him a wine supper. They are that kind of fellows. They would not offer you money for your vote—oh, no; that is not their method; they are just good fellows, nice fellows, social fellows, you know, fellows it is agreeable to be with; and you need not lose any sleep about that character of fellow; he will take care of himself. But the fellow who is out yonder in charge of human lives, in charge of human freight, the fellow who is pulling the cord to-day on the engine hauling the train with my babies aboard or your wife aboard, is the fellow you had better watch after. He is the man whose interests you ought to protect. He has not been heard from. Wait until the gravel train gets in. You have heard from the fellow who rides in the Pullman car; now wait until the gravel train gets in. Wait until then, gentlemen of the Senate. Let us hear from the other side. Put this matter off a while; let us be fair.

Why does the Senator from Utah, a man of steady habits, a man of pleasing disposition, a man who is usually not fretful or restless under the curb, a man who takes life easy ordi-

narily—why does he suddenly get so restless and restive and fretful? He reminds me of one of the—and I do not mean this disrespectfully—horses that I saw at the horse show the other day, one of those restive fellows who just bobs and twists and prances all over the paddock. The Senator from Utah is restless; he can not sit still; he wants to get this bill passed. Why? Senators, I say stop before you do this thing. This bill is loaded. Mr. Whiting and the president of the New York Central Railroad sat close to the throne. Be careful how you vote.

Mr. President, this is no child's matter. This is no vote of a passing moment; it is a vote to change the fundamental law of this land; a vote that will go down to posterity as the deliberate judgment of the Senate. I am told if you do not put the price of legs high enough in this bill you can amend it so as to make the price of legs higher; if you do not give a man enough for an arm you can amend it so as to make the arm cost more. Senators, that is playing with fire. Whenever you abolish the law of the land that has stood for hundreds of years, that has stood the test of time, that has been construed by the courts and passed beyond the stage of speculation, you are doing a dangerous thing. The railroad companies know it. They fought the employers' liability act and took it to the court of last resort. They fought it through the Supreme Court of the United States. They hoped to defeat it there on the ground of unconstitutionality, and, having failed there, then they seek to wipe out all the fundamental laws of the land on this subject—laws, as I have said, which have passed beyond speculation, laws which have been construed by the courts, laws which are fixed and established.

The vested rights of the laboring man to-day are to be taken from him and a mere shadow, a mere subterfuge, a mere dodge, is to be given in their place. Senators, I say in the hand of proffered friendship is concealed the deadly dagger of the railroad companies.

Mr. President, I do not care to say more; probably I should not have said this much, but I want the railroad boys in my State to know that I am not going to see this kind of legislation passed here without raising my voice against it. As I have said, I do not know how they stand, and, more than that, I do not care how they stand at this moment. I do care how they will eventually stand, because I would yield my judgment to theirs if they had expressed it after solemn deliberation; but at this moment they have had no opportunity for deliberate judgment; they have had no chance for deliberation; they have had no chance for counsel or advice. While they are the best crowd of fellows on earth, yet they are the busiest men on earth; they have to trust their business to the heads of their organizations, and I am sorry to say that, in my experience, some of the heads of those organizations have not always been faithful. I repeat, Mr. President and Senators, I care not how the railroad people in my State stand on this question at this moment; I am going to use my judgment, and that judgment is that this bill will mean their ruin and their undoing. My judgment is that this bill is destructive of every substantial right they now have.

I have prosecuted a lot of these cases and I know something about them. I have made the railroad companies twist and squirm; I have made them turn over their "hard-earned dollars," as they call them, to a poor suffering widow or to the helpless orphan child. That is all the kind of business I do, outside of attending to the Senate, as has been charged, a side line; and thank God, Mr. President, I am always found on the side of the under dog in the fight, and I have always been found there.

The railroad companies tell me they want to act fairly; they tell me they want to do justice by their employees. Senators, they would not give them a pleasant look if they did not have to. Talk about a settlement with claim agents! Before a man dies they are worrying and fretting the wife, threatening her with endless litigation. With the children screaming, the father dying, the blood running from his wounds, here is the ruthless, merciless, heartless claim agent standing there with his paper and pen ready to take a dying statement or any statement that he can get from the lips of the injured man that would work against the interests of the widow and children.

Members of the Senate, the present law is good enough, and the railroad men are satisfied with it. Why set it aside? The Supreme Court of the United States has upheld the employers' liability act recommended by Mr. Roosevelt and indorsed by everybody. Let that be tested out; let that be tried out before we embark upon an unknown and untried sea of experiment and speculation.

I will not consume the time of the Senate in discussing the defects and iniquities of the bill itself. That has been ably

covered by the junior Senator from Missouri [Mr. K. and I. indorse his views as mine.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The reading of the bill for committee amendments will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the Judiciary was, in section 1, page 1, line 7, after the word "employed," to insert "in such commerce," and, on page 2, after the word "employer," to strike out "in such commerce," so as to make the section read:

That every common carrier engaged in interstate or foreign commerce by railroad, including commerce between the District of Columbia and a State (hereinafter designated employer), shall pay compensation in the amounts hereinafter specified to any employee who, while employed in such commerce by such employer, sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or to the dependents, as hereinafter defined, of such employee in case such injury results in his death.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. SMITH of Georgia. The Senator from Texas [Mr. CULBERSON] has some suggestions to make in reference to this section, but I do not know that the amendment proposed by the committee will affect his amendment. I suppose the committee amendments may first be disposed of and that then amendments by individual Senators will be in order.

Mr. CULBERSON. I understand the bill is now being read for action on committee amendments?

The PRESIDING OFFICER. The Senator from Texas is correct.

Mr. CULBERSON. I have an amendment to this section and shall present it in due time.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill and read as follows:

SEC. 2. That every common carrier by railroad in the District of Columbia (hereinafter designated employer) shall pay compensation in the amounts hereinafter specified to any employee who sustains personal injury by accident arising out of and in the course of his employment and resulting in his disability, or to the dependents, as hereinafter defined, of such employee in case such injury results in his death.

SEC. 3. That except as provided herein no such employer shall be civilly liable for any personal injury to or death of any such employee resulting from any such accident.

SEC. 4. That the first 14 calendar days of disability resulting from any injury shall be excluded from the period of time for which compensation is hereinafter specified: *Provided, however,* That during said 14 days the employer shall furnish all medical and surgical aid and assistance that may be reasonably required, including hospital services.

SEC. 5. That after the expiration of the 14 days mentioned in the foregoing section the employer shall continue to furnish such medical and surgical aid and assistance as may be reasonably required, including hospital services, in an amount not exceeding \$200, unless such employee elects to furnish his own physician or surgeon or care for himself. The compensation hereinafter provided shall be in addition to all such surgical, medical, and hospital services as set forth in this and the preceding section.

SEC. 6. That no compensation shall be allowed for the injury or death of any employee where it is proved that his injury or death was occasioned by his willful intention to bring about the injury or death of himself or of another, or that the same resulted from his intoxication while on duty.

SEC. 7. That it shall be the duty of the injured employee, immediately upon the happening of the accident, or as soon thereafter as practicable, and not later than 30 days thereafter, and likewise in case of his death by such accident the duty of one or more of the dependents of an employee, within 30 days thereafter, to give or cause to be given to the employer written notice of the accident causing such injury or death, stating in ordinary language the time, place, and particulars thereof, the name of the injured or dead employee, his class of service, and the address of the injured employee or person giving the notice: *Provided,* That where it is made to appear that the party herein required to give such written notice has been prevented from giving it through or by reason of mental or physical incapacity, ignorance of law or of fact, or the fraud or deceit of some other person, or from some other equally good cause, the same may be given after the expiration of said 30 days, but not later than 90 days from the date of the accident or death.

In the absence of such written notice the employer shall not be liable to pay any compensation under this act unless, in cases where the injury has resulted in the absence from work of the employee for at least 2 days, and in case of death, it is made to appear that within such period of 30 days such employer had actual knowledge of the injury or death: *Provided,* That in case of death resulting immediately or within 24 hours from the time of the accident notice thereof shall not be required.

No defect or inaccuracy in the written notice herein required shall be deemed material unless the employer shall show that he was prejudiced thereby, and then only to the extent of such prejudice; and such written notice may be substantially in the following form:

"FORM OF NOTICE OF ACCIDENT AND CLAIM.

"To be filled out by an injured employee or by a dependent of a deceased employee or by a person acting for either.

"To the _____ Railroad Co.:

"You are hereby notified that _____ (name of deceased or injured employee), your employee, met with an accident on the _____ day of _____, 19____, at or near _____, in the State of _____, and that the accident occurred in the course of his employment by you as _____ (class of service), and resulted in his _____ (disability or

death) on the _____ day of _____, 19____, and claim for compensation is hereby made under the provisions of the Federal accident compensation act of 1912.

"Name (person giving notice) _____, "Address _____."

But no variation from this form shall be material if the notice is sufficient to advise the employer that a certain employee by name met with an accident in the course of his employment (stating the nature of such employment) on or about a specified time at or near a certain place which resulted in his disability or death. The notice may be served personally upon the employer, or upon any agent of the employer upon whom a summons may be served in a civil action under the laws of the State or the District of Columbia where the accident occurred, or upon any station agent, or by sending it by registered mail to the employer, addressed to the principal office or to any division superintendent of such employer.

SEC. 8. That it shall be lawful at any time after the expiration of 14 days from the date of an injury, unless an award or findings shall have previously been made, for the employer and employee to settle by agreement according to the limitations of amount and time in this act established, the compensation due under this act, which agreement shall be in writing, signed and acknowledged by the parties, and shall specify the compensation, if any, due and unpaid by the employer to the employee up to the date of the agreement, and, if agreed upon, the amount of the monthly payments thereafter to be made by the employer to the employee, and the time such monthly payments shall continue. In case of death it shall be lawful for the employer and any of the dependents of the deceased employee to settle by agreement in like manner and with the same effect the compensation payable to such dependent under this act. The periods of compensation provided for permanent total disabilities or for the permanent partial disabilities specifically mentioned in subdivision 1, clause (D) of section 21, or for death, and the provisions of this act with respect to periodic payments and the percentage which such payments shall bear to the monthly wages shall not be varied by such agreement. Such agreement may be substantially as follows:

"In the matter of the claim of _____ for personal injury received by _____, in the service of the _____ Railroad (or Railway) Co.

"The _____ Railroad (or Railway) Co. and _____, an employee of said company, injured in its service (or in case of death, _____, dependent of _____, deceased, an employee injured in the service of said company), hereby agree to the following adjustment under the Federal accident-compensation act of 1912 of the liability for injuries (or death resulting from injuries) to _____, received in the course of and arising out of his employment by said company (or receiver, as the case may be), in interstate (or foreign) commerce (or in the District of Columbia), at _____, on the _____ day of _____, 19____ (here state the facts generally as to the work in which employee was engaged when injured), the said adjustment being as follows: (Here state the terms of the adjustment, referring to the appropriate sections and subsections of the act.)

"(Signed)

"Of _____ Railroad (or Railway) Co.

"Employee (or dependent of employee.)"

Said agreement shall be executed in triplicate, one of which may be retained by the employer, one by the employee or his dependents, and the other shall be filed with the adjuster, as provided in section 12. Any modification or alteration of said agreement, if made by the parties, shall be in writing and executed and filed in the same manner and with like effect. If the employer shall fail for a period of 10 days, after written demand, to make any payment provided for in said agreement, the employee or dependent at his election may maintain an action in any State or Federal court of competent jurisdiction to enforce such agreement, or may treat such agreement as rescinded and proceed to enforce the claim for compensation under the provisions of this act. Save as provided in this section no agreement purporting to settle compensation due under this act shall be valid.

SEC. 9. That it shall be competent for any employer subject to the provisions of this act and his employees to organize and constitute, in such manner as they may determine, a committee or committees for the purpose of settling disputes and awarding compensation under and in accordance with the limitations as to amount and time prescribed in this act; and it shall thereupon be the duty of the employer to file a written notice with the adjuster or adjusters having jurisdiction within the territory for which said committee is constituted, giving the names and post-office addresses of the members of the committee or committees. If the compensation due under this act be not settled by the agreement of the parties, and any such committee exists, the differences between the employer and employee arising under this act shall, upon the request in writing of either party and the written consent of the other filed with the committee, be settled by such committee in accordance with the provisions of this act, and after the filing of such consent the provisions of this act with reference to instituting original proceedings before the adjuster shall not apply. Such committee shall not be bound by technical rules and shall give the parties and their witnesses ample opportunity to be heard. The award made by such committee shall be final, except as provided in section 11, and shall be filed by the committee with the adjuster having jurisdiction within 30 days after the same is made, and the provisions of section 12, so far as applicable, shall apply thereto. The adjuster shall file such award with the clerk of the court having jurisdiction in the same manner and with the same effect as findings made by the adjuster, and said award, except that it shall be final, shall be treated in all respects as such findings. If the committee shall fail to make an award within 90 days after the filing of such consent, the same shall, by the said committee, at the request of either party in writing, be immediately referred to the adjuster having jurisdiction thereof, who shall proceed to hear and determine the same as if the claim for compensation were originally before him upon petition and answer.

Mr. CULBERSON. Mr. President, I call the attention of the Senator from Utah to a sentence beginning in line 16, on page 9, and ask some explanation. I did not catch the connection myself. It reads:

The adjuster shall file such award with the clerk of the court having jurisdiction in the same manner and with the same effect as findings made by the adjuster, and said award, except that it shall be final, shall be treated in all respects as such findings.

If it is made final, what other objection could there be made to it?

Mr. SUTHERLAND. The purpose of that provision is that the award when made by the arbitrators shall finally go to the district court, and automatically become a judgment or have the effect of a judgment by the district court, the same as the findings of the adjuster, so that the award of the arbitrators may be enforced by execution or be enforced by any other process that may be appropriate. That is the purpose of the provision. The purpose of it is that the award shall become in effect a final judgment in the district court, just the same as the findings, only that no appeal shall lie from it and no review of it of course shall be had, the arbitration itself being final.

Mr. CULBERSON. I do not catch it yet, but I will take my time and look into it further.

The PRESIDING OFFICER. The reading of the bill will continue.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 10. That before any agreement or award has been made or after the making of any such agreement or award, and at any time before the expiration of two years from the date of the accident, it shall be the duty of the injured employee, if so requested by the employer, to submit himself one or more times, at reasonable times and places, for examination by a duly qualified physician or physicians furnished and paid by the employer. It shall also be the duty of such employee in like manner to submit himself to one or more such examinations whenever his original claim for compensation or the matter of the review of compensation is pending before an adjuster or the court. The employee shall have the right to have a duly qualified physician or physicians, provided and paid for by himself, present at any such examination. If the employee refuses to submit himself to any such examination, or in any way obstructs the same, his right to payments or compensation and his right to take or prosecute any proceeding under this act shall be suspended until he shall have submitted himself for such examination, and no compensation shall at any time be payable in respect to the period of such suspension. Upon request a copy of the report of the employer's physician or physicians of such examination shall be furnished to the employee, and a copy of the report of the employee's physician or physicians, if any, shall be furnished to the employer, within six days after any such examination. The employer shall have the right, in any case of death, to require an autopsy at his expense.

The next amendment was, on page 11, line 8, after the word "time," to insert "within two years after the accident," and in line 21, after the word "but," to strike out "shall order no change of the status existing prior to the application for review" and insert "such order shall have no retroactive effect," so as to make the section read:

SEC. 11. That an agreement for compensation may be modified at any time within two years after the accident by a subsequent agreement. At any time before the expiration of two years from the date of the accident, but not afterwards, and before the expiration of the period for which payment of compensation has been fixed thereby, but not afterwards, any agreement, award, findings, or judgment may be from time to time reviewed by the adjuster upon the application of either party after due notice to the other party upon the ground that the incapacity of the injured employee has subsequently ended, increased, or diminished. Upon such review the adjuster may increase, diminish, or discontinue the compensation from the date of the application for review, in accordance with the facts, or make such other order as the justice of the case may require, but such order shall have no retroactive effect. The findings of the adjuster upon such review shall be served on the parties and filed with the clerk of the court having jurisdiction, in like time and manner and subject to like disposition as in the case of original findings.

The amendments were agreed to.

The Secretary read as follows:

SEC. 12. That it shall be the duty of the employer to file, or cause to be filed, every agreement for compensation, or modification thereof, to which he is a party, in the office of the adjuster having jurisdiction, as hereinafter provided, within 60 days after it is made; otherwise it shall be voidable by the employee or dependent. The same shall be received and filed by said adjuster and recorded and indexed. A copy thereof, certified by the adjuster, may be admitted in evidence with like effect as the original; and it shall be the duty of the adjuster to furnish a certified copy at the request of any person in interest: *Provided*, That the employee or dependent who is a party to said agreement may file the same with the same effect as though filed by the employer: *And provided further*, That where there are two or more adjusters having concurrent territorial jurisdiction, such agreement shall be filed with the adjuster senior in date of appointment.

Section 13 was read to the end of the fifth subdivision, as follows:

SEC. 13 (1) That the United States district court in each judicial district shall, within 30 days after this act takes effect, appoint a competent person to be known as adjuster of accident compensation, and shall, from time to time, whenever the business in any such district in the judgment of the Attorney General of the United States justifies it, appoint additional adjusters. Each of such adjusters shall receive a salary of not less than \$1,800 nor more than \$3,000 per annum, to be paid by the United States in equal monthly installments in like manner as salaries of district judges are paid. It shall be the duty of the Attorney General of the United States, as soon as practicable, to make inquiry and fix and establish the salary to be paid to each adjuster within the limits aforesaid, the determination by him of the amount to be based upon the extent of the business done or to be done by said adjuster under this act. Each adjuster shall have jurisdiction of all cases arising under this act within the judicial district for which he is appointed: *Provided, however*, That where more than one adjuster is appointed for a judicial district, the court making the appointment may, in its discretion, determine the manner in which the authority of the respective adjusters shall be exercised under this act within the

same district or limit the jurisdiction of any adjuster appointed by it to one or more counties or other territorial subdivision within the district, in which case the jurisdiction of such adjuster shall extend to such county or counties, or territorial subdivision only, except as herein-after provided: *And provided further*, That every appointment of an adjuster shall be certified by the district court making it to the circuit court of appeals having jurisdiction of the district, and said circuit court of appeals may, within 30 days after the receipt of the same, for good cause, disapprove such appointment, in which case it shall become of no effect, and such district court shall make another appointment, but the acts of such adjuster in the meantime shall be valid.

(2) No person shall be appointed as adjuster who, at the time of his appointment, holds any office of profit or emolument under the laws of the United States or of any State other than the office of commissioner of deeds, justice of the peace, master in chancery, or notary public, or who is related by marriage or by consanguinity or affinity within the third degree, as determined by the common law, to any judge of the district court of the United States, or judge or justice of an appellate court, having jurisdiction of the district where in he may be appointed. The adjuster shall be a resident of the territorial district for which he is appointed. He shall hold his office for a term of four years, but may be removed at any time by the court, if his services are no longer required in the public interest or for good cause shown, subject to reinstatement by the circuit court of appeals having jurisdiction. Each adjuster before entering upon the duties of his office shall take an oath of office for the faithful and impartial performance of his duties. In case any adjuster shall be removed, or for any reason shall cease to act, he shall transfer all his official records, files, and papers to his successor in office, or, if none, then to the clerk of the district court having jurisdiction, and the court shall have power to enforce this provision by order: *Provided, however*, That nothing herein shall operate to render any adjuster ineligible to act in a like capacity under the law of any State.

(3) It shall be the duty of the said adjuster to keep a record of his proceedings, and he shall have the power to preserve and enforce order in his presence while transacting business; to subpoena witnesses; to administer oaths in any proceeding and in all other cases where it may be necessary in the exercise of his powers and duties; to formulate, issue, amend, and control his processes and orders consistent with law as may be necessary to carry into effect the powers and jurisdiction possessed by him; to examine persons as witnesses, take evidence, require the production of documents, and to do all other things conformable to law which may be necessary to enable him effectively to discharge the duties of his office.

(4) If any person shall, in proceedings before an adjuster, disobey or resist any lawful order or process, or misbehave during a hearing or so near the place thereof as to obstruct the same, neglect to produce after having been ordered to do so any pertinent document, or refuse to appear after having been subpoenaed, or, upon appearing, refuse to take the oath as a witness, or after having taken the oath refuse to be examined according to law, the adjuster shall certify the facts to the district court having jurisdiction, which shall thereupon in a summary manner hear the evidence as to the acts complained of, and if the evidence so warrant, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the process of or in the presence of the court: *Provided*, That no person shall be required to attend as a witness before an adjuster at a place outside of the State of his residence and more than 100 miles from such place of residence, or unless his lawful mileage and fee for one day's attendance shall be first paid or tendered to him.

(5) It shall be the duty of said adjuster to maintain and keep open during reasonable business hours an office at the place of his residence for the transaction of business under this act, at which office he shall keep his records and papers. He may, however, hear cases at any other place within the limits of his territorial jurisdiction that may be deemed by him most convenient for the parties and witnesses. He shall be allowed all necessary traveling expenses in going to and from his place of residence for the purpose of conducting such hearings, and his necessary and reasonable expense of subsistence while so absent, not exceeding for subsistence the sum of \$5 per day. Accounts for all such expenses shall be approved by the district court and transmitted to the Attorney General of the United States and paid as allowed by him. Said accounts shall be rendered quarterly yearly, beginning with the 1st day of October next after this law goes into effect. The Attorney General, upon requisition, shall, at the expense of the United States, furnish each adjuster with necessary records, books, blanks, and stationery supplies.

Mr. WILLIAMS. I wish to ask the Senator from Utah in charge of the bill if he has not a committee amendment to offer to clause 5 on page 16?

Mr. SUTHERLAND. I have an amendment to that section and to several other parts of the bill, but I was waiting until the reading of the bill shall have been concluded.

Mr. WILLIAMS. All right.

Mr. SUTHERLAND. Then I have a series of amendments to offer.

The Secretary read as follows:

(6) No adjuster shall act in any case in which he is interested, or when he is employed by either party or related to either party by marriage or by consanguinity or affinity within the third degree, as determined by the common law. Whenever it shall be made to appear, by the application of either party, to the satisfaction of the district court having jurisdiction, that the adjuster before whom any case is pending is disqualified, or that he entertains bias or prejudice, so that a fair and impartial hearing of the case can not be had before him, it shall be the duty of the court to order the case transferred for hearing and disposition to another adjuster within the judicial district, or if none, to another adjuster within the State, or if none, then to appoint a competent person to act in the case as adjuster pro tempore. Such adjuster pro tempore shall possess all the powers conferred upon the adjuster by this act, and shall proceed in the same manner and with the same effect. His compensation shall be fixed by the court appointing him, and such compensation shall be paid by the United States on the approval of the judge and the allowance of the Attorney General. The parties may agree to transfer any case to another adjuster in the same State, and in case of such agreement or order all papers and a certified copy of any record in the case shall without cost be forthwith

transmitted by the adjuster before whom the case is pending to the adjuster agreed upon or designated, who shall, upon receipt of such papers and copy of record, proceed as though the case had been originally brought before him.

Mr. SMITH of Georgia. I should like to ask the Senator in charge of the bill if he objects as we go along to offering amendments as we reach them in the various sections?

Mr. SUTHERLAND. I think we had better first dispose of the committee amendments.

Mr. SMITH of Georgia. I mean committee amendments.

Mr. SUTHERLAND. I would have no objection to doing that, but we have passed over two or three places where amendments should have been noted.

Mr. SMITH of Georgia. It does seem to me that we would understand the bill better if the committee amendments came in in connection with the section.

Mr. SUTHERLAND. I have no objection to that. When the Clerk completes the reading of the subdivision I will offer them. The Secretary read as follows:

(7) Neither an adjuster nor the partner of an adjuster shall appear as attorney for either party in any proceedings under this act.

Mr. SUTHERLAND. On page 11, line 5, I move to strike out "The employer shall have the right, in any case of death, to require an autopsy at his expense," and in lieu thereof to insert "The United States court, upon application of the employer, may in any case of death, for good cause, order an autopsy, at the expense of the employer."

The amendment was agreed to.

Mr. SUTHERLAND. On page 14, line 10, after the words "master in chancery" insert "referee in bankruptcy."

Mr. SMITH of Georgia. That simply excludes the referee in bankruptcy in addition to the master in chancery.

Mr. SUTHERLAND. It is in addition to the master in chancery.

Mr. SMITH of Georgia. I ask the Senator if he thinks it wise to exclude the master in chancery?

Mr. SUTHERLAND. No; I do not; this is an addition.

The amendment was agreed to.

Mr. SUTHERLAND. On page 16, line 19, strike out the word "may" and insert "shall"; in line 19, strike out the word "any" and insert "such," and after the word "place," in the same line, insert the words "or places"; in line 20, strike out the word "that" and insert "as"; and at the end of the line strike out the words "deemed by him."

The amendment was agreed to.

Mr. WILLIAMS rose.

Mr. SUTHERLAND. I have not quite finished.

Mr. WILLIAMS. In line 20, does not the Senator desire to strike out the word "that" and insert "as will," so that it will read "as will" instead of "that may."

The SECRETARY. In line 20, page 16, it is proposed to strike out the words "that may" and insert "as will."

The amendment was agreed to.

Mr. SUTHERLAND. After the word "witnesses," in line 21, I move to insert "including the place where the accident occurred."

The amendment was agreed to.

Mr. SUTHERLAND. I ask that the paragraph be read as it will read as amended.

The Secretary read as follows:

He shall, however, hear cases at such place or places within the limits of his territorial jurisdiction as will be most convenient for the parties and witnesses, including the place where the accident occurred.

Mr. WILLIAMS. I would suggest to the Senator from Utah for his consideration that he might add to that "and the home of the injured or killed person," or "or the place of residence of the injured or killed."

Mr. SUTHERLAND. Of the injured or deceased?

Mr. WILLIAMS. Of the injured or deceased. That would carry the adjuster to the witnesses instead of the witnesses going to him.

Mr. SUTHERLAND. After the word "occurred," I move to insert "and the residence of the injured or deceased employee."

The amendment was agreed to.

Mr. SUTHERLAND. That is all I have up to that point.

The Secretary read as follows:

(8) The adjuster may, in any case upon application of either party or of his own motion, appoint a disinterested and duly qualified physician to make any necessary medical examination of the employee and testify in respect thereto. Said physician shall be allowed a reasonable fee, to be fixed by the adjuster, not exceeding for each examination \$10, which shall be included by the adjuster in his account and paid as provided in paragraph 5 of section 13: *Provided, however,* That the adjuster shall in every case receive the testimony of any physician called by either the employer or the employee.

The next amendment of the committee was, in subdivision 9, on page 19, line 20, after the word "employer" to strike out "and all taxable costs thereafter incurred in the case by the

employer shall be taxed against the employee," so as to make the subdivision read:

(9) Witness fees and mileage shall be computed at the rate allowed for witnesses in the United States district courts, and fees and mileage for serving the petition or other papers shall be computed at the rate allowed for service of summons from said court in civil suits by the United States marshal. Costs legally incurred may be taxed against either party, or apportioned between the parties, in the sound discretion of the adjuster or of the court, as the case may be, and as the justice of the case may require: *Provided, however,* That the employer may in any case pending before an adjuster, in writing, offer to allow findings to be made in favor of the employee, specifying the amount of the monthly payment and the length of time such monthly payments shall continue, and in that event, unless compensation (time and amount both considered) exceeding that offered by the employer be found by the adjuster or by the court, no costs thereafter incurred on behalf of the employee shall be taxed against the employer.

The amendment was agreed to.

The Secretary read as follows:

(10) The adjuster or adjusters for the District of Columbia shall be appointed by the Supreme Court of the District, and such adjuster or adjusters shall hold the same tenure of office as prescribed for adjusters appointed by the United States district courts, subject to removal by the Supreme Court of the District of Columbia for like cause, and shall have the same power and jurisdiction under this act within the limits of the District of Columbia, and shall be governed by all the provisions of this act, so far as the same may be applicable, in the same manner as adjusters appointed by the United States district courts. The findings of the adjuster or adjusters shall be transmitted to the said supreme court, and shall be disposed of by said court in the same manner and under the same rules as are prescribed herein for the disposal of such matters by the United States district courts. The said supreme court and the justices thereof shall have and exercise the same power in all cases arising under this act within the District of Columbia as are conferred by this act upon the United States district courts.

SEC. 14. (1) That in default of agreement between the parties interested or submission to a committee, as hereinbefore provided, the employer, employee, or any dependent may, after giving notice of the accident when the same is required, and within six months from the date of the injury or death, institute proceedings for the settlement and adjustment of the claim before an adjuster having jurisdiction within the territory where the accident occurred. Such proceedings may be instituted by petition, setting forth in ordinary language the facts constituting the claim and asking that compensation be fixed and awarded in accordance with the provisions of this act. Unless service is accepted by the party defendant a copy of such petition shall be served upon him and return of such service made in the manner provided by law.

(2) Within 10 days after such service the party defendant may answer the petition and in such answer shall include such questions of law and fact as it may be desired to put in issue. As soon as practicable after the answer has been received the adjuster shall proceed to hear the case and decide the same, his decision both upon questions of fact and law being reviewable in the district court as herein provided. If no answer has been filed within 10 days after the service of the petition, or such other time as may be fixed by the adjuster, the said adjuster shall enter a default and proceed to hear the evidence and determine the case with the same effect as though answer had been made. If no proceedings shall be instituted for the settlement and adjustment of a claim arising under this act within six months, as above provided, the same shall be forever barred, unless the adjuster shall find that the failure to institute proceedings within such time was chargeable to the employer or to circumstances clearly beyond the control of the employee or dependent. But under no circumstances shall any claim for compensation be maintainable after the lapse of one year from the date of injury or death, except in cases in this act otherwise provided for: *Provided,* That in any case where the period during which payments are to be made is not made final by agreement, award, findings, or final judgments, such claim shall be maintainable within three months from the date when the last payment was due according to the terms of such agreement, award, findings, or judgment, or, when no such time has been fixed, or where payments are discontinued by the employer as set forth in section 8, from the date of the last actual payment.

The next amendment was, on page 22, line 5, after the word "final," to strike out "judgments" and insert "judgment."

The amendment was agreed to.

The next amendment was, on page 22, line 13, after the word "counsel," to insert "or an agent," so as to make the subdivision read:

(3) The adjuster shall allow either party to be represented by counsel, or an agent, who need not be a member of the bar, and after hearing any evidence that may be presented and considering any arguments that may be made he shall promptly make and render his findings in writing, a copy of which shall be served on each of the parties, and shall return such findings, together with the petition and answer, if any, into the clerk's office of the United States district court for the district in which he was appointed, or the clerk's office of the Supreme Court of the District of Columbia, as the case may be. The clerk of the court shall forthwith file the same and make an entry thereof on his docket without charge. At any time within 20 days after receiving a copy of the findings either party may file exceptions with the clerk of the court and serve a copy thereof on the adverse party, stating generally that the findings of the adjuster are excepted to on the ground that they are contrary to the law and evidence, whereupon the case shall be tried and determined in said court, all questions of law and fact being open for consideration de novo. And said court may regulate by rule the practice in such cases in all respects not provided for by statute. The party filing exceptions shall at the same time pay to the clerk of the court the sum of \$5, which, together with any jury fee paid as hereinafter provided, shall be in lieu of all other clerk's fees and charges, and no other or additional charge for any service rendered by said clerk in said cause except as herein otherwise provided shall be made. Any such amount, as well as any jury fee paid, shall be taxed by the court as costs against the losing party. If no exceptions shall be filed by either party as above provided, the said findings shall become final and have the effect of and, subject to pay-

ment of fees as in other cases, be enforced as a judgment of the court, and the clerk shall, without charge, record said findings and index the same as in the case of other judgments.

The amendment was agreed to.

Mr. WILLIAMS. I should like to ask the Senator from Utah why they put in the term "de novo"? Ought questions of fact to be considered de novo? The adjuster's report of the facts carries up a report, does it not?

Mr. SUTHERLAND. Yes.

Mr. WILLIAMS. And it also carries up all the evidence taken, and the evidence is recorded.

Mr. SUTHERLAND. The evidence would not be recorded. There is no provision for recording it. It is absolutely necessary—

Mr. WILLIAMS. I can see that if the evidence is not recorded, of course, it is necessary.

Mr. SUTHERLAND. Under the seventh amendment of the Constitution the right of trial by jury must be preserved. The evidence must be presented to the jury de novo. We have no right to cut it off.

Mr. WILLIAMS. I see, of course, if the evidence of the witnesses is not taken down and returned to the court, the other court would have to consider the facts de novo.

Mr. SUTHERLAND. Yes.

Mr. WILLIAMS. And, of course, it would consider the law de novo, anyway.

Mr. SUTHERLAND. Yes. The words de novo are not an amendment to the bill. They were in the original bill. They are simply italicized, I suppose, because they are Latin words.

Mr. CULBERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Texas?

Mr. CULBERSON. I do not propose to interrupt the Senator. I thought he had concluded.

Mr. SUTHERLAND. I had concluded.

Mr. CULBERSON. I desire to state to the Senator from Mississippi that in my judgment this section, read in connection with a subsequent one of the bill, violates the seventh amendment to the Constitution of the United States, and I have proposed and will offer at the proper time an amendment seeking to preserve the right of trial by jury, as is provided in that amendment.

Mr. SUTHERLAND. Let me ask the Senator from Texas whether he has in that connection read the case in One hundred and seventy-fourth United States.

Mr. CULBERSON. The Capital Traction Co. case?

Mr. SUTHERLAND. The Capital Traction Co. case.

Mr. CULBERSON. My opinion is based largely upon the opinion in that case.

Mr. SUTHERLAND. I drew this section upon that opinion.

Mr. CULBERSON. I do not think it is properly drawn, though I respect the opinion of the Senator from Utah. The fact is we do not preserve in the bill as written the right of trial by jury within the true meaning of the Constitution. We hamper it with the findings of an adjuster, which the jury or the court must regard as prima facie evidence, and we have to overturn and rebut that by a trial before a jury or even before the court alone. So, the right of trial by jury as guaranteed by the seventh amendment is not preserved in its strength and in its essence and in its fullness, but is burdened and embarrassed by the prima facie finding of an adjuster where a jury is not provided.

Mr. SUTHERLAND. That is not this section. That comes along later.

Mr. CULBERSON. I said that section and the following taken together.

Mr. SUTHERLAND. Yes. There may be room for discussion, as the Senator now suggests, but I think the section that is now being read is clearly warranted by One hundred and seventy-fourth United States. Whether or not we can make the findings of the adjuster prima facie evidence is another question.

Mr. CULBERSON. In the case of the Capital Traction Co. against Hof, in One hundred and seventy-fourth United States, there is no provision and nothing similar to the provision about the prima facie evidence of the findings of an adjuster, on the previous trial, but there is an express direction that the trial shall be according to the principles and usages of the law. The trial by jury in the District of Columbia, after the appeal from the justice of the peace, is not impaired by a requirement that they shall regard as prima facie evidence the findings found by a lower tribunal.

The PRESIDING OFFICER. The reading will proceed.

The reading of the bill was resumed. The next amendment was, in section 14, on page 23, line 24, after the word "jury,"

to insert the words "upon the claim for compensation under this act," so as to read:

(4) Where exceptions are filed, either party shall have the right, upon a written demand filed with the clerk, to a trial by jury, upon the claim for compensation under this act, as in cases at common law.

The amendment was agreed to.

The reading of the bill was continued, as follows:

The party making such demand shall at the time thereof pay to the clerk the sum of \$5 as a jury fee. If a trial by jury is not demanded by either party within five days after the filing and service of the exceptions a jury shall be deemed to be waived, and the court shall thereupon hear and determine the case without a jury. The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury. Where the case is tried by a jury the court may submit special interrogatories, to be answered by the jury in the form of a special verdict.

Mr. WILLIAMS. Mr. President, in the language "the findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury," it strikes me if the committee were to strike out the words "or jury" they would accomplish what they want and not raise any constitutional question. In so far as the findings of the adjuster being treated by the jury as prima facie evidence is concerned, they would not be so treated, no matter what the law said; the jury is going to consider the evidence its own way. Of course, if the court was going to hear the evidence it might do very well to require that the court should receive these findings prima facie.

I merely suggest to the Senator from Utah in an interrogatory way as to whether he does not think it would be better to avoid this possible trouble when no practical result will be reached by it. The jury is going to pay no sort of attention to the fact that you tell them they have got to treat something else as prima facie; they are going to draw their own conclusions from the testimony presented to them, and telling them that something is prima facie is really going to have no effect.

It seems to me that all the two words "or jury" inserted there can do is to arouse some degree of hostility against the bill, some degree of suspicion about it and some degree of fear of it—if I may so express it—and, it may be, some doubt as to its constitutionality; because it does seem to me that, generally speaking, if the right to trial by jury is not to be infringed the court might decide that you were hampering it at any rate.

Mr. CRAWFORD. Mr. President, does the question raised by the Senator from Texas really touch the question of the right to trial by jury? Whether or not the law provides that certain proceedings shall be prima facie evidence of the fact, does it have any effect except to shift what is called the burden of proof? In other words, the party relying upon what proceedings were had before the adjuster may introduce those findings in evidence, and the law simply says that that makes a prima facie case. He can stop there if the other side does not challenge it. The law simply says that is sufficient. But if it is challenged, the burden is on the other side to overcome it. That is a mere provision of the law in relation to evidence. I do not see where it touches the right of trial by jury.

Mr. WILLIAMS. Suppose it does not, and it is very doubtful whether it does or does not, what practical effect does it have? It will not have the effect which the Senator anticipates, of changing the burden of proof. The jury is going to hear the testimony and come to its own conclusion by the impression which the testimony makes upon the minds of the jurors.

Mr. CRAWFORD. It simply permits the party standing upon those proceedings to put them in evidence and rest there, because the law says that is a prima facie case; and from that point the burden of overthrowing it is on those who question it.

Mr. ROOT. Mr. President, may I make a suggestion to the Senator from Mississippi that some provision to make the findings admissible may very much decrease the cost and time and labor of a trial? As a rule, it is probable that a great many of the things which are found would be things that neither party had any objection to, and it would make it unnecessary for them to produce witnesses in order to prove it.

It is quite a common thing for our statutes to fix rules of evidence so that certain facts shall be treated as evidence. It tends very much to reduce the expense and trouble of a case for both sides. I have in mind now the statute—I think it is 3083 of the Revised Statutes—which, in the law relating to importations of goods contrary to law, provides that the possession of goods shown to have been imported contrary to law shall be prima facie evidence of knowledge on the part of the possessor.

Mr. WILLIAMS. If the Senator from New York will pardon me, that is totally different. It is like the possession of burglar's tools would create a presumption. That is something growing up out of the case itself; it is a part of the facts of

the case. That is a different thing from making somebody's findings about facts prima facie evidence.

There would be no sort of objection, I take it, upon anybody's part, to having the findings admissible as evidence in the court above. The objection, as I understand it, made by the Senator from Texas is that when it is provided that it shall be prima facie proof without contradiction it shall be conclusive. That is just about what it amounts to.

Mr. ROOT. Why not put in the word "competent" and make it competent evidence?

Mr. WILLIAMS. I think you should simply say it should be admissible. Then there could be no contention, I think, that it would be hampering any trial by jury.

Mr. ROOT. Substitute the word "competent."

Mr. SMITH of Georgia. If the Senator from Mississippi will allow me, I can illustrate very easily how this rule would be very effective. Suppose the defendant presented as a defense the claim that the injured employee was drinking, and therefore the defendant was not liable. The master or the adjuster finds with the defendant, and finds that the party was drinking, and therefore he could not recover. The case goes up then and is tried before a jury. Ordinarily the burden would be on the defendant to show that the party was drinking; but this adjuster, having found that he was drinking, the burden in the trial above would be changed and it would be on the employee to show that he was not drinking. If the jury, under the evidence, did not reach a conclusion that the sworn testimony satisfied them to a reasonable certainty that the injured party was not drinking, they would follow the master and find that he was drinking.

Mr. WILLIAMS. Yes; under this clause as it is written.

Mr. SMITH of Georgia. That is what I say.

Mr. WILLIAMS. But if it was merely made admissible, then if there was no testimony to contradict it it would have its weight with the jury, and if there was testimony to contradict it then the jury could take its choice without any overweight on either side.

Mr. SMITH of Georgia. The object of my statement was to show what I thought was the soundness of the criticism of the Senator from Mississippi.

Mr. CLARKE of Arkansas. Mr. President, I do not understand that making a document or statement prima facie evidence changes the rule that the plaintiff must prove his case by a preponderance of testimony. It is prima facie evidence until some evidence, however slight, is offered in contradiction of it. Then the question would be at issue that must be proved according to the established rules of law. That is to say, the person holding the affirmative of the issue must maintain it by a preponderance of proof. If the finding is to be introduced at all it must have some probative force. It can not be less than being made prima facie evidence. It has no business in the controversy unless it proves something that has some weight or some capacity to prove a fact. Prima facie proof is mere proof that stands until something is offered in contradiction of it.

A provision that a certain document shall amount to prima facie evidence of the fact recited in it does not disturb the other rule, applicable to all sorts of controversies judiciously considered and disposed of, that the party holding the affirmative shall establish his case by a preponderance of evidence.

The introduction of the finding of an adjuster therefore would, if uncontroverted, amount to such proof as would entitle the party in whose favor the finding is made to the judgment. But I do not understand that it would justify the court in deciding that if the jury has a doubt about it it would find in accordance with the finding of the adjuster.

Mr. WILLIAMS. I should like to ask the Senator from Arkansas before he takes his seat a question. Does not the Senator from Arkansas think that if this language read as I shall now read it it would accomplish everything desired, to wit:

The findings of the adjuster filed as aforesaid shall be admissible as evidence in any trial before the court or jury.

Mr. CLARKE of Arkansas. As evidence of what? As evidence of fact?

Mr. WILLIAMS. Simply admissible as evidence. Of course there is evidence of whatsoever the finding tended to prove, but not giving any weight to it by expression of law, leaving the jury to give such weight to it as they choose. Instead of the wording as it is now—

The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury—

It would read:

The findings of the adjuster filed as aforesaid shall be admissible as evidence in any trial before the court or jury.

Mr. CLARKE of Arkansas. Evidence of something.

Mr. WILLIAMS. That I think would leave no question. It would certainly dispose of the question in the mind of the Senator from Texas.

Mr. CLARKE of Arkansas. If the Senator from Mississippi desires me to answer that—

Mr. WILLIAMS. I desire the Senator to do so.

Mr. CLARKE of Arkansas. It will take only half a minute.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I would rather have the Senator from Arkansas answer the question first.

Mr. POINDEXTER. Very well, I will yield. It is only a question that I desire to ask.

Mr. WILLIAMS. It is on the same point?

Mr. POINDEXTER. It is. I will ask the Senator from Mississippi the question when the Senator from Arkansas has concluded.

Mr. CLARKE of Arkansas. I can not exactly draw the distinction between the two forms of expression just at this time, but I am clear in the proposition that no grade of evidence can be any lower than prima facie evidence. It simply raises the presumption that a certain condition of fact exists unless something is offered in contradiction. So that saying a record shall be introduced in evidence and that the jury shall be at large to determine what it means and how much credence shall be given to it and what the evidence should have a tendency to prove is not quite up to my idea of what evidence should be.

Mr. OVERMAN. Does not that change the burden?

Mr. CLARKE of Arkansas. I think not.

Mr. OVERMAN. I know where there is injury by reason of a collision or a derailment they have held that that in itself is prima facie evidence and the burden is then shifted to the railroad to show a negative.

Mr. CLARKE of Arkansas. The burden is very easily shifted. Any sort of legal evidence will do it.

Mr. SUTHERLAND. Mr. President, the object of putting in this provision is, as suggested by the Senator from New York, when the adjuster makes his findings he will pass upon the various matters that are in dispute; he will find, for example, that the employee was in the employ of the railroad company; that he was engaged in interstate commerce at the time of the accident; that he sustained an injury in the loss of a leg or whatever the injury may be.

Now, when the case is brought there may be but one question to present to the jury, namely, the amount of damages, or rather the length of time that the payment should continue, and it would be a wholly unnecessary burden to compel either the employer or the employee to put in proof any facts which are really not in dispute. So the object of it was to make these findings prima facie evidence. I do not care whether we call it prima facie evidence or simply competent evidence, or whatever term is applied, just so long as it may be received as evidence of the fact in the absence of any dispute in regard to it.

Mr. POINDEXTER. Mr. President, the question I was going to ask the Senator from Mississippi [Mr. WILLIAMS] is pertinent in view of the remark of the Senator from Utah. There is a very material difference in the effect this provision would have as it is now worded and if it is changed in accordance with the suggestion of the Senator from Mississippi. To illustrate, if it simply provided that the findings of the adjuster are admissible in evidence, there could be admitted any evidence, and it would have no more effect possibly than merely proving that there had been a proceeding before the adjuster without any possible effect whatever as to the facts in the case. So that it makes a radical change in the provision which ought to be had in mind in considering the proposed change.

Now, as to whether it affects the constitutional right of trial by jury, the Senator from Mississippi seems to draw some distinction between this evidence because it is a finding of an adjuster, because it is the opinion rendered by some one who has heard the evidence and reported on it, and any other rule of evidence, such as the rule in the enforcement of game laws, for instance, that the possession of game is prima facie proof that the law has been violated. I think there is no distinction between the rule of evidence in the one case and in the other. One no more than the other violates the right of trial by jury or in any way encroaches upon the right of trial by jury. It is simply a rule of evidence. Rules of evidence are made by statute, they are made by the courts, and they grow up as part of the common law. There are various kinds and various degrees of such rules, and this, no more than any other rule of evidence fixing the admissibility of evidence, the competency of

evidence, and the probative effect of evidence, will encroach upon the right of trial by jury.

Mr. WILLIAMS. In the two cases cited by the Senator from Washington does he not think the difference really is the difference between a fact and an opinion about a fact? A fact is one thing and an opinion about a fact is another. When, for example, you make the possession of the paraphernalia of gambling prima facie evidence in the case of a man charged with keeping a gambling house, the thing which you call evidence there is a fact; it is a palpable, material, visible fact; but this is the opinion of somebody about a fact.

Mr. POINDEXTER. That is very true.

Mr. WILLIAMS. It is constituting an opinion a fact.

Mr. POINDEXTER. But it may very well be true and a proper rule of evidence that the opinion of a regular official authorized to investigate a certain matter should have as much weight as other facts. It is a fact in itself. The fact is that this official has investigated the case and has come to this conclusion. There is no more reason why that should not be given some probative effect than there is that one of the facts to which the Senator from Mississippi referred should not.

Mr. CULBERSON. Mr. President, while this immediate matter is not regularly here, I will take advantage of the moment to say a word or so about the subject under discussion. On page 23 the bill provides—

whereupon the case shall be tried and determined in said court—

That is, in the district court of the United States—

all questions of law and fact being open for consideration de novo—

I want to emphasize that requirement—all questions of law and fact shall be open for consideration de novo.

Now, going on further, to subdivision 4 of that section of the bill, on page 24 that language is modified by the declaration:

The findings of the adjuster filed as aforesaid shall be received as prima facie evidence of the facts therein set forth in any trial before the court or jury.

The two provisions are, in my judgment, not only inconsistent, Mr. President, but the last one so embarrasses and so burdens the right of trial by jury as to be in substance and in spirit a violation of the seventh amendment of the National Constitution.

Mr. CRAWFORD. Mr. President—

Mr. CULBERSON. If the Senator will allow me, I will conclude in just a moment. The Senator from Georgia has illustrated that there are two instances in this bill, if not more, in which this militates against the employee; that is where he is denied the right to recover either on account of intoxication or because he brought the injury upon himself willfully; so that in those two cases, if not in others—I believe in all cases—the man comes to a trial by jury in the district court of the United States on an appeal from an adjuster, not with the entire freedom which the Constitution contemplated, but he comes with the handicap and the burden that he must show to the jury that the prima facie findings of the adjuster are in fact unjust. He must rebut the prima facie findings of the adjuster, if against him.

Now, the Senator from Utah says—and I had read it substantially in the report of the commission—that this provision is drawn in the spirit of the case of Capital Traction Co. v. Hof, reported in One hundred and seventy-fourth United States. Briefly, Mr. President, I want to invite the attention of the Senate to that case. In the first place, the opinion at page 28, approving the language of Chief Justice Hosmer, of Connecticut, uses these words:

A law containing arbitrary and unreasonable provisions made with the intention of annihilating or impairing the trial by jury would be subject to the same considerations as if the object had been openly and directly pursued.

That is the language of Chief Justice Hosmer, of Connecticut, in a case in the supreme court of that State, and is quoted with approval by the Supreme Court of the United States. On page 38 of the same opinion, instead of a case then pending, where the findings of a case appealed from were made prima facie evidence against the man claiming the right of trial by jury, the language of the act of Congress providing for trial by jury, on an appeal from a justice of the peace to a court in the District of Columbia, says what? Not that the trial by jury shall be thus handicapped or in any way encumbered by prima facie findings, but that it shall be "according to law and the equity and right of the matter."

That is the character of law which the Supreme Court of the United States, in the case of Capital Traction Co. against Hof, in One hundred and seventy-fourth United States, says is within the meaning and spirit of the seventh amendment to the Federal Constitution; and inferentially and argumentatively it is said that wherever there is a provision which embarrasses or impairs

the right of trial by jury it is within the inhibition of the Constitution, and does not afford the preservation of jury trial within the meaning of that article of the Constitution.

At the proper time, Mr. President, I propose to go somewhat more fully into this question when I present my amendment; but I have taken this opportunity to point out the difference between the case here and the case which was appealed to the Supreme Court of the United States and reported in One hundred and seventy-fourth United States, and which was referred to by the Senator from Utah.

Mr. SUTHERLAND. I suggest that we let this matter pass over and proceed with the reading of the bill. We can take it up at a later stage.

The PRESIDING OFFICER. The Chair does not understand that any amendment has been offered.

Mr. SUTHERLAND. No; no amendment has been offered.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary resumed the reading of the bill. The next amendment was, in section 14, page 24, line 12, after the word "counsel," to insert the words "or agent," and in line 16, before the word "fee," to strike out the word "counsel," so as to read:

(5) Wherever counsel or agent for the employee has stipulated for a fee, the agreement for such fee to be valid shall be made in writing and filed with the adjuster or clerk of the court in which the case is pending, and the employee shall not be liable to pay any fee in excess of the amount allowed by the adjuster or the court. In every case it shall be the duty of the adjuster or the court, as the case may be, regardless of any agreement, to fix the compensation, which shall not exceed a fair and reasonable sum for the services actually rendered.

The amendment was agreed to.

The next amendment was, on page 25, line 9, after the words "United States," to insert "as in other cases," so as to make the clause read:

(6) Appeals and writs of error may be taken from the district courts to the circuit courts of appeals and to the Supreme Court of the United States as provided in sections 128 and 238 of the Judicial Code, and it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any case to be certified to it for review and determination as provided in section 251 of the Judicial Code. In cases arising in the District of Columbia appeals may be taken from the Supreme Court of the District to the Court of Appeals of the District as in other cases, and appeals and writs of error may be taken to the Supreme Court of the United States as in other cases and said court may require, by certiorari or otherwise, any case to be certified to it for review and determination as in other cases.

The amendment was agreed to.

The Secretary resumed the reading of the bill, as follows:

(7) Any petition may be served by the United States marshal for the district where the proceedings are pending, or by any deputy. Any subpoena, process, or order of an adjuster, or any notice or paper requiring service, may be served by such United States marshal or deputy, or by any citizen of the United States over the age of 21 years, being a resident of such district, or by registered mail sent by the adjuster to the person or employer to be served, postage prepaid, and addressed to the principal place of business of such employer or to the place of residence of such person. The affidavit of such citizen, or the return registry receipt signed by the person or employer to be served, shall be prima facie proof of service.

The next amendment was, in section 15, page 26, line 3, before the word "guardian," to insert the word "natural"; and in the same line, before the word "committee," to insert "guardian or," so as to make the section read:

SEC. 15. That while any person entitled to compensation under this act shall be an infant or mentally incompetent, his natural guardian or guardian or committee, appointed pursuant to law, may on his behalf perform any duty required or exercise any right conferred by this act with the same force and effect as if such person was legally capable to act in his own behalf. No limitation respecting the time within which any right under this act is to be asserted shall, as against such infant or incompetent person, run while such infant or incompetent person has no guardian or committee: *Provided, however,* That the foregoing shall not apply to cases of infancy where the infant is over the age of 18 years, but such infant shall be treated for all purposes of this act as though of full age.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Utah to line 3, on page 26, of this section, at which point the Chair understands the Senator from Utah purposes to move the insertion of a comma.

Mr. SUTHERLAND. Yes; I move, on page 26, line 3, after the word "guardian," where it first occurs, to insert a comma.

The amendment to the amendment was agreed to.

Mr. POINDEXTER. There should also be a comma, should there not, after the word "guardian," where it occurs in the same line the second time? I move that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Secretary resumed the reading of the bill, and read as follows:

SEC. 16. That the assignment of any cause of action arising under this act, or of any payments due or to become due under the provisions hereof, shall be void. Every liability and all payments due or to become due under this act shall be exempt from levy or sale for private debt. In case of insolvency every liability for compensation under this

act shall constitute a first lien upon all the property of the employer liable therefor paramount to all other claims or liens except for wages and taxes, and such lien shall be enforced by order of the court.

The next amendment was, in section 17, page 27, line 8, before the word "award," to insert "or"; and in the same line, after the word "award," to strike out "or findings," so as to make the section read:

SEC. 17. That nothing in this act shall interfere with any proceeding by the United States to enforce any act of Congress regulating the appliances or conduct of any common carrier, or affect the liability of any such common carrier to a fine or penalty under any such act. Nothing in this act shall be so construed as to affect the power and jurisdiction of the courts, under the established principles of equity, to reform or cancel any agreement or award.

The amendment was agreed to.

The next amendment was, in section 18, page 28, line 22, after the word "compensation," to strike out "payable" and insert "already paid"; and in line 24, after the word "liability," to insert "and shall to the extent thereof be relieved from future payments," so as to make the section read:

SEC. 18. That where an injury or death for which compensation is payable under this act was caused under circumstances also creating a legal liability for damages on the part of any carrier subject to the provisions of this act other than the employer, the employer shall be subrogated to the right of the employee or dependents to recover against such other carrier, and such employer may bring legal proceedings against such carrier to recover the damages sustained by the injured employee or dependents in an amount not exceeding the aggregate amount of compensation payable to the injured employee or dependents under this act. That where the injury or death for which compensation is payable under this act was caused under circumstances also creating a legal liability for damages on the part of any person other than the employer, such person not being subject to the provisions of this act, legal proceedings may be taken against such other person to recover damages, notwithstanding the payment of or liability to pay compensation under this act; but in such case, if the action against such other person is brought by the injured employee, or, in case of his death, by his dependents, and judgment is obtained and paid, or settlement is made with such other person, either with or without suit, the employer shall be entitled to deduct from the compensation payable by him the amount actually received by such employee or dependents: *Provided*, That if the injured employee, or, in case of his death, his dependents, shall agree to receive compensation from the employer, or institute proceedings to recover the same, or accept from the employer any payment on account of such compensation, such employer shall be subrogated to all the rights of such employee or dependents and may maintain, or, in case an action has already been instituted, may continue an action either in the name of the employee or dependents, or in his own name, against such other person for the recovery of damages, but such employer shall nevertheless pay over to the injured employee or dependents all sums collected from such other person by judgment or otherwise in excess of the amount of such compensation already paid under this act, and costs, attorneys' fees, and reasonable expenses incurred by such employer in making such collection or enforcing such liability and shall to the extent thereof be relieved from future payments.

The amendment was agreed to.

The Secretary read as follows:

SEC. 19. That no contract, rule, regulation, or device whatsoever shall operate to relieve the employer in whole or in part from any liability created by this act.

The next amendment was, in section 20, page 29, line 5, after the word "employee," to insert "unless the monthly wage is ascertained by the contract of employment"; in line 9, after the word "accident," to insert "or, if payment be by the hour, by the piece, or by the job, shall be 26 times the average of one day's earnings in such business and class of service ascertained by taking the aggregate of the earnings for the month next preceding the accident and dividing this aggregate by the number of days on which the employee worked in the month"; in line 16, after the word "based," to strike out "thereon" and insert "on the monthly wages ascertained by the contract of employment or on the amount thereof determined as aforesaid, as the case may be"; and in line 25, after the word "wages," to insert "Provided, That where the employee is engaged in a class of service in which employees habitually and with the sanction of the employer receive for their own use gratuities from the traveling public, the monthly wages of such employee shall not be considered to be less than \$50 a month"; so as to make the section read:

SEC. 20. That for all the purposes of this act the monthly wages of an employee, unless the monthly wage is ascertained by the contract of employment, shall be 26 times the established day's pay prevailing in the business of his employer for the class of service for which such employee was receiving pay at the time of the accident or, if payment be by the hour, by the piece, or by the job, shall be 26 times the average of one day's earnings in such business and class of service ascertained by taking the aggregate of the earnings for the month next preceding the accident and dividing this aggregate by the number of days on which the employee worked in the month. Calculations of the percentage of wages herein mentioned shall be based on the monthly wages ascertained by the contract of employment or on the amount thereof determined as aforesaid, as the case may be. For the purpose of such calculation, no employee's wages shall be considered to be more than \$100 a month or less than \$50 per month; except that where in any case the monthly wages of the employee are less than \$25 per month, payment for the first 24 months of disability shall not exceed the full amount of such monthly wages: *Provided*, That where the employee is engaged in a class of service in which employees habitually

and with the sanction of the employer receive for their own use gratuities from the traveling public, the monthly wages of such employee shall not be considered to be less than \$50 a month.

The amendment was agreed to.

The Secretary resumed the reading of the bill and read as follows:

SEC. 21. That compensation under this act shall be made in accordance with the following schedule:

(A) Where death results from any injury, except in the cases provided for in section 23, and except in those cases in which, in certain contingencies, a reduced period is hereinafter provided for, the following amounts shall be paid for a period of eight years from the date of the death.

Mr. SUTHERLAND. On page 30, after line 15, I propose the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will be stated.

Mr. OVERMAN. Is that a committee amendment?

Mr. SUTHERLAND. It is a committee amendment.

The SECRETARY. At the end of line 15, on page 30, it is proposed to insert:

Provided, however, That this limitation shall not apply to any child under the age of 16 years, but payments shall continue to such child until it shall have attained the age of 16 years.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

Mr. HITCHCOCK. I should like to hear the amendment again read.

The PRESIDING OFFICER. The amendment will be again stated.

The Secretary read the amendment proposed by Mr. SUTHERLAND.

Mr. HITCHCOCK. I should like to inquire of the Senator from Utah whether this bill contemplates that in the event of the accidental killing of a railroad employee who leaves no widow and only one child, being, say, 15½ years old, the only compensation she can recover is a maximum of \$25 a month for six months.

Mr. SUTHERLAND. The bill contemplates that the compensation shall cease when the child reaches 16. The provision in all these compensation bills with which I am familiar fixes the same age. Many of the European bills fix it at 15. I know of none that fixes it at more than 16.

Mr. HITCHCOCK. So that in that case a girl 15½ years old, becoming an orphan as the result of the death of her father in an accident, would receive \$150 in full settlement?

Mr. SUTHERLAND. If she is dependent—

Mr. HITCHCOCK. What does the word "dependency" mean?

Mr. SUTHERLAND. Unable to earn her living—

Mr. HITCHCOCK. Where is that definition?

Mr. SUTHERLAND. By reason of mental or physical incapacity.

Mr. HITCHCOCK. Does the Senator think it is within the bounds of reason to deprive that girl, 15½ years old, of the right that she now has to a substantial recovery from the railroad company on account of the death of her father and offer her only \$150?

Mr. SUTHERLAND. You can not draw a bill of general and universal application that will not admit of some hardships somewhere or other. The purpose of the bill is to take care of these dependents, and we provide by this amendment now that the payments shall continue for the full period up to 16 years. That will add to the amount, as near as I can figure it, about a million dollars; an increase of the aggregate amount in our estimate \$15,000,000 to \$16,000,000. We have in that respect followed, as I say, the general provisions of laws upon this subject.

Mr. HITCHCOCK. I think it would be a very easy matter so to amend the bill that an orphan girl should not be put off with \$150 in the event of the loss of her father.

Mr. SUTHERLAND. The suggestion of the Senator from Nebraska, of course, appeals to me. It does look like an unreasonable hardship—

Mr. HITCHCOCK. It is worse than that. It is monstrous.

Mr. SUTHERLAND. It is not monstrous.

Mr. HITCHCOCK. It is shocking to the country.

Mr. SUTHERLAND. That would be to charge the legislatures of the various countries of the world with doing a monstrous thing. I do not believe that should be said.

Mr. HITCHCOCK. It strikes me as almost inconceivable that there is no other provision for these helpless children than that in this bill. I think if the Senator wants support for the bill he must find some way so as to provide for the children.

Mr. SUTHERLAND. If the Senator had been patient I would have stated that I have an amendment prepared to the provision on page 42 in reference to that subject which I will

offer when we reach it. I do not know whether it will satisfy the Senator, but I will make the suggestion.

Mr. CULBERSON. I ask that the proposed amendment be again read.

The PRESIDING OFFICER. It will be again stated.

The SECRETARY. On page 30, line 15, after the word "death," insert:

Provided, however, That this limitation shall not apply to any child under the age of 16 years.

Mr. CULBERSON. That is enough. I move to strike out "sixteen" wherever it occurs and insert "eighteen."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to strike out "sixteen" and insert "eighteen."

Mr. SUTHERLAND. The Senator certainly does not want to move it there, because that would necessitate a number of changes in the bill.

Mr. OVERMAN. I rise to a point of order. Are amendments in order now?

Mr. CULBERSON. This is an amendment to the amendment offered by the committee, and it is in order.

The PRESIDING OFFICER. It is in order when offered to the committee amendment.

Mr. SUTHERLAND. We have provided all the way through the bill for this age of 16.

Mr. CULBERSON. And the purpose of some Senators is to correct the bill in this respect throughout.

Mr. SUTHERLAND. The Senator did not hear me out. It provides for 16 years all the way through the bill, and if the Senator's amendment is adopted it will necessitate changing those provisions all the way.

Mr. CULBERSON. That is precisely what I desire to bring about.

Mr. SUTHERLAND. Let me finish. The Senator does not intend to do that at all, if he will let me finish. On page 42 we have a provision which covers the subject of "dependent children over the age of 16," and I intended when we reached that section to broaden the definition so as to include a female child under the age of 18 years. I do not know whether that would meet the views of the Senator from Texas.

Mr. CULBERSON. That does not meet my idea, and I insist on the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.] The "noes" appear to have it.

Mr. CULBERSON and others demanded the yeas and nays, and they were ordered.

Mr. ASHURST. I ask for the rereading of the amendment.

The SECRETARY. On page 30, line 15, after the word "death," insert:

Provided, however, That this limitation shall not apply to any child under the age of 16 years, but payments shall continue to such child until it shall have attained the age of 16 years.

It is proposed to strike out the word "sixteen" and insert "eighteen."

Mr. CULBERSON. Of course that means wherever it occurs.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I transfer the pair to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "nay."

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I am opposed to the amendment to the bill.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer the pair to the junior Senator from Iowa [Mr. KENYON], and will vote. I vote "nay."

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. RICHARDSON (when Mr. DU PONT's name was called). My colleague [Mr. DU PONT] is necessarily absent. He is paired with the Senator from Texas [Mr. CULBERSON].

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I transfer the pair to the senior Senator from Virginia [Mr. MARTIN], and will vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a pair with the junior Senator from South Carolina [Mr. SMITH]. He is not here, and I withhold my vote. If present, I would vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP].

I do not think he has voted. I transfer the pair to the senior Senator from Maryland [Mr. RAYNER], and will vote. I vote "yea."

Mr. WARREN (when his name was called). I ask if the senior Senator from Louisiana [Mr. FOSTER] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. WARREN. I have a general pair with that Senator, and therefore withhold my vote.

The roll call was concluded.

Mr. CULBERSON (after having voted in the affirmative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Maine [Mr. GARDNER], and will let my vote stand.

Mr. CHILTON. I have information that the Senator with whom I am paired, the Senator from Illinois [Mr. CULLOM], would vote "nay," and so I desire to vote. I vote "nay."

I desire while I am up to announce the pair of my colleague [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. DILLINGHAM. I will transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from Illinois [Mr. CULLOM], and will vote. I vote "nay."

The result was announced—yeas 25, nays 34, as follows:

YEAS—25.

Ashurst	Gronna	Newlands	Smith, Ga.
Bacon	Hitchcock	Overman	Smith, S. C.
Bryan	Johnson, Me.	Poin Dexter	Swanson
Culberson	Johnston, Ala.	Pomerene	Williams
Davis	Kern	Shively	
Fletcher	Martine, N. J.	Simmons	
Gore	Myers	Smith, Ariz.	

NAYS—34.

Borah	Chilton	Jones	Sanders
Bourne	Clark, Wyo.	Lodge	Smoot
Bradley	Crane	Nelson	Stephenson
Bristow	Crawford	Nixon	Sutherland
Brown	Cummins	Oliver	Thornton
Burnham	Curtis	Page	Townsend
Burton	Dillingham	Penrose	Wetmore
Catron	Fail	Richardson	
Chamberlain	Gallinger	Root	

NOT VOTING—36.

Bailey	Foster	Lorimer	Rayner
Bankhead	Gamble	McCumber	Reed
Brandegge	Gardner	McLean	Smith, Md.
Briggs	Guggenheim	Martin, Va.	Smith, Mich.
Clapp	Heyburn	O'Gorman	Stone
Clarke, Ark.	Kenyon	Owen	Tillman
Cullom	La Follette	Paynter	Warren
Dixon	Lea	Percy	Watson
du Pont	Lippitt	Perkins	Works

So Mr. CULBERSON's amendment to the amendment was rejected.

Mr. WILLIAMS. I do not think this is the proper place to offer the amendment, as it would hardly come in here as an amendment to the amendment. I voted for the amendment just offered rather against my judgment because I thought later on, on page 42, would be the proper place and another amendment would be better. When we get to that point I am going to move to amend the language defining what is a dependent child over 16 years, by adding that this shall not apply to certain persons. I am going to move to add "or to any female under the age of 21 years if not married." I think when a boy is 16 years of age, instead of being dependent upon his mother or any pension or annuity to his mother, he ought to be helping her.

Mr. SUTHERLAND. I had already stated to the Senate, before we voted upon the last amendment, that when we reached page 42 I had an amendment upon the same subject that I desired to offer.

Mr. WILLIAMS. About female children?

Mr. SUTHERLAND. With reference to female children.

Mr. WILLIAMS. I am glad to hear that.

Mr. SUTHERLAND. I had already so stated.

Mr. WILLIAMS. They ought to be taken care of until they are 21 or married.

Mr. SUTHERLAND. My amendment provides for 18. At any rate, that will come up when we reach page 42.

Mr. DAVIS. It may be a little out of order to do so, but I am going to take a try at it. I move that the Senate now take a recess until 11.30 o'clock to-morrow morning.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate now take a recess until 11.30 o'clock to-morrow morning. [Putting the question.] The noes appear to have it.

Mr. DAVIS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion to take a recess was rejected.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill will proceed.

The reading of the bill was resumed and continued to line 18 on page 31, as follows:

(1) If the deceased employee leave a widow and no child under the age of 16, and no dependent child over the age of 16, there shall be paid to the widow 40 per cent of the monthly wages of the deceased.

(2) If the deceased employee leave a widow and any child under the age of 16, or any dependent child over the age of 16, there shall be paid to the widow for the benefit of herself and such child or children 50 per cent of the monthly wages of the deceased.

(3) If the deceased employee leave any child under the age of 16, or dependent child over the age of 16, but no widow, there shall be paid, if one such child, 25 per cent of the monthly wages of the deceased to such child, and if more than one such child 10 per cent additional for each of such children, not to exceed a total of 50 per cent of the monthly wages of the deceased divided among such children, share and share alike: *Provided*, That if the number of children entitled to payment be subsequently reduced to less than four, the amount of the payments shall be correspondingly diminished.

(4) In the event of the death or remarriage of a widow receiving payments under subdivision (2) of this clause, the amounts stated in subdivision (3) shall thereafter be paid to the child or children of the deceased employee therein specified for the unexpired part of the period of eight years from the date of the employee's death, subject to the provisions of subdivision (9) of this clause (A).

Mr. SUTHERLAND. On page 31, line 17, after the word "death," I move to insert "but to continue in any event until the youngest child shall have attained the age of 16 years," so as to read:

(4) In the event of the death or remarriage of a widow receiving payments under subdivision (2) of this clause, the amounts stated in subdivision (3) shall thereafter be paid to the child or children of the deceased employee therein specified for the unexpired part of the period of eight years from the date of the employee's death, but to continue in any event until the youngest child shall have attained the age of 16 years, subject to the provisions of subdivision (9) of this clause (A).

The amendment was agreed to.

The next amendment was, on page 31, line 23, after the word "both," to strike out "parents," so as to make the paragraph read:

(5) If the deceased employee leave no widow or children entitled to any payment hereunder, but leave a parent or parents, there shall be paid, in case of partial dependency, 15 per cent of the monthly wages of the deceased to such parent or parents, and if either is or both are wholly dependent on the deceased there shall be paid in lieu of the 15 per cent, if only one parent, 25 per cent of the monthly wages of the deceased, or if both parents, 40 per cent of the monthly wages of the deceased, to such parent or parents.

The amendment was agreed to.

The reading of the bill was continued, as follows:

(6) If the deceased leave no widow or child or parent entitled to any payment hereunder, but leave any brother, sister, grandparent, or grandchild wholly dependent upon him for support, there shall be paid to such dependent relative, if but one, 20 per cent of the monthly wages of the deceased, or if more than one, 30 per cent of the monthly wages of the deceased, divided among them share and share alike. If none of such relatives is wholly dependent and the deceased leave any such relative or relatives partially dependent upon him for support, there shall be paid to such dependent relative or relatives 10 per cent of the monthly wages of the deceased, divided among them share and share alike.

The next amendment was, on page 32, line 20, to strike out "Canada" and insert "contiguous countries," so as to make the paragraph read:

(7) The foregoing subdivisions of this clause (A) shall apply only to dependents who at the time of the death of the deceased employee are actual residents of the United States or contiguous countries, except (a) if the nonresident dependent be a widow and there be no resident child or children entitled to compensation under this act, there shall be paid to her a lump sum equal to one year's wages of the deceased employee, as hereinbefore defined and limited, for the benefit of herself and nonresident children, if any; (b) if the nonresident dependent be a child or children under the age of 16 years and there be no widow, resident or nonresident, and no resident children entitled to compensation under this act, there shall be paid to such nonresident child or children a like lump sum, to be divided among them share and share alike; it being the intention of the foregoing to exclude from the benefits of this act any such nonresident widow, child, or children, if there be any resident child or children entitled to compensation under this act, and to exclude from the benefits of this act all other resident dependents, if there be any nonresident widow, child, or children entitled to take under the provisions of this subdivision.

The amendment was agreed to.

The reading of the bill was continued, as follows:

(8) If the monthly payments for a death hereunder are at the rate of not more than \$15 per month, there shall be paid by the employer a contribution of \$75 toward the burial expenses: *Provided, however*, That where no compensation for death of an employee caused as defined by sections 1 and 2 of this act is payable hereunder there shall be furnished by the employer a reasonable burial expense not exceeding \$150.

(9) If compensation is being paid under this act to any dependent, such compensation, unless otherwise provided for herein, shall cease upon the death or marriage of such dependent, and in case the dependent be a child, shall cease upon such child reaching the age of 16, unless dependent, and then when such child shall cease to be dependent.

(B) Where permanent total disability results from any injury, there shall be paid to the injured employee 50 per cent of the monthly wages of such employee during the remainder of his life. In the following cases it shall, for the purposes of this section, be conclusively presumed that

the injury resulted in permanent total disability, to wit: The total and irrevocable loss of sight in both eyes, the loss of both feet at or above the ankle, the loss of both hands at or above the wrist, the loss of one hand and one foot, an injury to the spine resulting in permanent and complete paralysis of the legs or arms, and an injury to the skull resulting in incurable imbecility or insanity.

(C) Where temporary total disability results from any injury there shall be paid 50 per cent of the monthly wages of the injured employee during the continuance of such temporary total disability.

(D) Where permanent partial disability results from any injury—
(1) An amount equal to 50 per cent of his wages shall be paid to the injured employee for the periods stated against such injuries, respectively, as follows: In case of—

The loss by separation of one arm at or above the elbow joint, or the permanent and complete loss of the use of one arm, 72 months.

The loss by separation of one hand at or above the wrist joint, or the permanent and complete loss of the use of one hand, 57 months.

The loss by separation of one leg at or above the knee joint, or the permanent and complete loss of the use of one leg, 66 months.

The loss by separation of one foot at or above the ankle joint, or the permanent and complete loss of the use of one foot, 48 months.

The permanent and complete loss of hearing in both ears, 72 months.

The permanent and complete loss of hearing in one ear, 36 months.

The permanent and complete loss of the sight of one eye, 30 months.

The loss by separation of a thumb, 13 months; a first finger, 9 months; a second finger, 7 months; a third finger, 6 months; a fourth finger, 5 months.

The loss of one phalanx of a thumb or two phalanges of a finger shall be considered equal to the loss of one-half of a thumb or of a finger, and compensation for one-half of the above periods shall be payable.

The loss of more than one phalanx of a thumb and more than two phalanges of a finger shall be considered as the loss of an entire thumb or finger.

The loss by separation of a great toe, ninth months; any other toe, four months.

(2) In all other cases of injury resulting in permanent partial disability the compensation shall bear such relation to the periods stated in subdivision 1 of the clause (D) as the disabilities bear to those produced by the injuries named therein, and payments shall be made for proportionate periods not in any case exceeding 72 months.

The next amendment was, in section 21, page 36, line 18, to insert "suitable" before the word "work," so as to make the paragraph read:

(E) Where temporary partial disability results from an injury, the employee, if he is unable to secure work, shall receive 50 per cent of his wages during the continuance of such disability; but such payment shall not extend beyond the period fixed for payment for permanent partial disabilities of the same character; and if the employee refuses to work after suitable work is furnished or secured for him by the employer, he shall not be entitled to any compensation for such disability during the continuance of such refusal. If the employee is at work at reduced wages, he shall receive compensation according to the method provided in section 22.

The amendment was agreed to.

The next amendments were, in section 22, page 37, line 25, to insert "the employer may continue such injured employee in his service at suitable work, and if the employee accept such work and continue in his employer's service"; in section 22, page 37, line 4, to strike out the words "not accrue" and insert "be suspended"; in line 5, before the word "for," to insert "such"; in line 7, before the word "as," to strike out "injury" and insert "accident"; in line 8, after the word "wages," to insert "received"; and in line 15, before the word "work," to insert "such," so as to make the section read:

SEC. 22. That, notwithstanding any agreement, award, finding, or judgment as hereinbefore provided for the employer may continue such injured employee in his service at suitable work and if the employee accept such work and continue in his employer's service, compensation in any case of injury shall be suspended while the injured employee is at such work for which he receives wages which do not fall below 90 per cent of the wages he was receiving at the time of the accident, as limited by the provisions of section 20 hereof. If his wages received fall below such 90 per cent, an amount of compensation shall be payable equal to the difference between said 90 per cent and such wages, not to exceed, however, 50 per cent of the monthly wages he was receiving at the time of the accident determined according to the provisions of section 20.

The time during which the employee is at such work shall effect a reduction to that extent in the aggregate period for which payments would otherwise be made.

The amendments were agreed to.

Mr. SUTHERLAND. In section 22, page 37, line 7, I submit a committee amendment. I move to strike out the words "as limited by the provisions of section 20 hereof."

The amendment was agreed to.

Mr. SUTHERLAND. In line 13, I move to strike out the words "determined according to the provisions of section 20."

The amendment was agreed to.

The next amendment was, in section 23, page 38, line 6, after the word "subdivision" to strike out the word "(seven)" and insert "(7)," so as to read:

SEC. 23. That should an employee who sustains an injury resulting in permanent total or permanent partial disability die from any cause at any time, or should an employee who sustains an injury resulting in temporary total or temporary partial disability die as a result of such injury after 14 days of disability, the employer shall be liable for an amount to be ascertained as follows:

First. By computing the amount which would have been payable under clause (A) of section 21, if death had immediately resulted from the accident and the dependents existing at the time of the accident entitled to compensation had remained so entitled for a period of eight years, except in cases covered by subdivision (7), in which the amount shall be taken as one year's wages of the deceased employee.

Mr. SUTHERLAND. In section 23, page 38, after the word "accident," in line 3, I move to insert a period and to strike out the remainder of that paragraph down to and including the word "employee," in line 8, in the following words:

And the dependents existing at the time of the accident entitled to compensation had remained so entitled for a period of eight years, except in cases covered by subdivision (7), in which the amount shall be taken as one year's wages of the deceased employee.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, the Senate has now been in session about seven hours, and during that time we have made very rapid progress in the perfection of the bill, according to the views of those who are directly in charge of it. I think we ought to take cognizance of common sense and not protract the session to an extent that will still further exhaust the capacity of the Senate to do intelligent and expeditious work. I think we ought to discuss the proposition of taking a recess until some hour which will be satisfactory. I do not believe anyone desires to unusually protract the consideration of the bill or by unreasonable objections to arrest the progress of it.

Mr. SUTHERLAND. Will the Senator not permit, before making the suggestion, that the reading of the bill may be finished? It will take only a few minutes.

Mr. CLARKE of Arkansas. I have no objection except that I thought the time had arrived when we ought to attempt to find out the differences between us as to how long the Senate is to remain in session. I will renew the request after the bill has been read.

Mr. SUTHERLAND. Yes; it will take only a few minutes.

Mr. SMITH of Georgia. I should like to ask the Senator from Utah whether it will be agreeable at the conclusion of perfecting the bill by the committee amendments to take a recess?

Mr. SUTHERLAND. I shall move that the Senate take a recess when the reading of the bill has been finished?

Mr. SMITH of Georgia. Until 12 o'clock to-morrow?

Mr. SUTHERLAND. We shall have to meet a little earlier than 12 o'clock.

Mr. OVERMAN. Eleven fifty.

Mr. SMITH of Georgia. I suggest 11.30.

Mr. SUTHERLAND. The reading of the bill can be finished in a very few minutes.

Mr. SMITH of Georgia. I would very much prefer to take a recess until 11.30 and then have half an hour at lunch, but I presume the proposition would not be agreeable to those in charge of the bill.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed as follows:

Second. By deducting from such amount a sum equal to the payments for the period between the accident and the death, which, if the accident had immediately resulted in death, the employer, by reason of the happening of any of the contingencies mentioned in clause (A) of section 21, would have been relieved from making.

Third. By deducting from the remainder so ascertained the amount of the compensation paid up to the time of death under clause (B), (C), (D), or (E) of section 21 or under section 22.

The amount so ascertained shall be paid to the dependents, if any, of such employee, living at the time of his death, in the same amounts and subject to the same contingencies as if compensation had been payable to them under clause (A) of section 21 by reason of their having been dependent at the time of the accident: *Provided*, That should an employee who sustains an injury resulting in permanent partial disability die from cause other than the injury at any time, the liability of the employer shall not exceed the unpaid balance of the amount which, if the injured employee had lived, would have been paid under the terms of any agreement, award, findings, or judgment, or under clause (D), section 21, or under section 22.

Sec. 24. That if, in an accident, an employee receive an injury resulting in permanent partial disability and in the same accident receive additional injury, which, by itself, entitles him to compensation, or if he be injured in the service of the same employer while entitled to or receiving payments for a previous injury, the amount of the monthly payment to him for such combined injuries shall be computed as for a single injury as provided for and limited by section 20 hereof, but in such case the periods of time prescribed for such combined injuries, severally, shall be added together: *Provided*, That where any of such periods is less than three months, the same shall not be added, but shall be disregarded.

If an employee receive an injury, which, of itself, would only cause permanent partial disability, but which, combined with a previous injury, does in fact cause permanent total disability, the employer shall only be liable as for the permanent partial disability, so far as the subsequent injury is concerned.

Sec. 25. That in case any employee for whose injury or death compensation is payable under this act shall, at the time of the injury, be employed and paid jointly by two or more employers subject to this act, such employers shall contribute the payment of such compensation in the proportion of their several wage liability to such employee. If one or more but not all of such employers should be subject to this act, then the liability of such of them as are so subject shall be to pay that proportion of the entire compensation which their proportionate wage liability bears to the entire wages of the employee: *Provided, however*, That nothing in this section shall prevent any arrangement between such employers for a different distribution, as between themselves, of the ultimate burden of such compensation.

Sec. 26. That where payment of compensation is made to the widow for the use of herself, or for the use of herself and child or children,

her written receipt therefor shall acquit the employer. Where payment is made to any child 18 years of age or over, the written receipt therefor of such child shall acquit the employer. Where payment is due to a child under the age of 18 years, the same shall be made to a duly appointed and qualified guardian of such child under the laws of the State of such child's residence, and the written receipt therefor of such guardian shall acquit the employer.

Sec. 27. That the term "dependent" shall include all persons who are entitled to compensation under the provisions of clause (A), section 21, and of section 23, and wherever the context requires it, shall be held to include the personal representatives of the deceased and guardians of infants or incompetent persons.

The term "injury," wherever the context requires it, shall be held to include death resulting from injury.

The term "employee" includes an apprentice, but does not include an employee whose employment is purely casual, and not for the purposes of the employer's business. It shall include the singular and plural and both sexes. Any reference to an employee who has been injured shall, where the employee is dead, and the context requires it, include a reference to his dependents or personal representatives.

The term "physician or physicians" includes surgeon or surgeons.

The term "child or children" shall include posthumous children and all other children entitled by the law of the State where the accident happens to inherit as children of the deceased employee.

"Disability" under this act shall mean want of capacity or ability by reason of injury to make full wages and full time in the position where working at the time of receiving the injury.

The term "dependent child over the age of 16," wherever it occurs in this act, or any reference to such child, shall be construed to mean a dependent child over the age of 16 years unable to earn a living by reason of mental or physical incapacity.

Mr. SUTHERLAND. On page 42, line 5, after the word "incapacity," I move to insert "or a female child under the age of 20 years, unless sooner married."

Mr. HITCHCOCK. I should like to ask the Senator from Utah whether, in view of that amendment, we should not insert the word "male" before the words "dependent child"?

Mr. SUTHERLAND. No; I think not, because that is a definition of what is a dependent child over the age of 16. I do not think it would hurt to put in the word "male," but I do not think it is at all necessary.

Mr. SMITH of Georgia. I should like to understand just what the amendment is and how the paragraph would read as amended.

The PRESIDING OFFICER. The paragraph will be read as it would stand if amended.

The Secretary read as follows:

The term "dependent child over the age of 16," wherever it occurs in this act, or any reference to such child, shall be construed to mean a dependent child over the age of 16 years unable to earn a living by reason of mental or physical incapacity, or a female child under the age of 20 years, unless sooner married.

The PRESIDING OFFICER. The question is on agreeing to the amendment as proposed by the Senator from Utah.

The amendment was agreed to.

The reading of the bill was continued as follows:

Whenever an employee of a common carrier engaged in interstate or foreign commerce by railroad shall sustain personal injury by accident arising out of and in the course of his employment resulting in his disability or death, it shall be presumed prima facie that such employee was at the time of the accident engaged in such commerce.

Sec. 28. That without otherwise affecting the meaning or interpretation thereof the phrase "personal injury by accident arising out of and in the course of his employment"—

(a) Shall not cover an employee except while he is engaged in, on, or about the premises where his services are being performed, which are occupied by or under the control of the employer, or while he is engaged elsewhere in or about his employer's business where his service requires his presence as a part of such service at the time of the injury and subjects him to dangers incident to that employment.

(b) It shall not include an injury caused by the willful act of another directed against him for reasons personal to such employee and not against him as an employee or because of his employment.

(c) It shall not include a disease or infection except as it shall result from the injury.

The next amendment was, in section 29, page 43, line 23, before the words "per cent," to strike out "five" and insert "four," so as to make the section read:

Sec. 29. That where in any case payments have continued for not less than six months either party may, upon due notice to the other party, apply to the court having jurisdiction of the territory within which the accident occurred for an order commuting the future payments to a lump sum. The application shall be considered by the court sitting without a jury, and may be granted where it is shown to the satisfaction of the court that the payment of a lump sum in lieu of future monthly payments will be for the best interest of the person or persons receiving or dependent upon such compensation, or that the continuance of monthly payments will, as compared with lump-sum payments, entail undue expense or undue hardship upon the employer liable therefor, or that the person entitled to compensation has removed or is about to remove from the United States. Where the commutation is ordered the court shall fix the lump sum to be paid at an amount which will equal the total sum of the probable future payments, capitalized at their present value upon the basis of interest calculated at 4 per cent per annum with annual rests. Upon paying such amount the employer shall be discharged from all further liability on account of the injury or death, and be entitled to a duly executed release, upon filing which, or other due proof of payment, the liability of such employer under any agreement, award, findings, or judgment shall be discharged of record.

The reading of the bill was continued, as follows:

Sec. 30. That nothing herein contained shall be construed as doing away with or affecting any common-law or statutory right of action or remedy for personal injury or death happening before this act shall take effect.

The next amendment was to strike out section 31, page 44, lines 9 to 14, inclusive, which reads as follows:

Sec. 31. That it is hereby declared to be the policy of Congress that the burden of compensation under this act for personal injuries shall be considered as an element of the cost of transportation, and the Interstate Commerce Commission in any proceeding before it affecting rates is directed to recognize and give effect to this policy.

The amendment was agreed to.

The reading of the bill was resumed and concluded, as follows:

Sec. (32) 31. That it shall be the duty of every employer subject to this act to make reports of accidents, payments, and operations under this act to the Interstate Commerce Commission in such detail and at such times as the said commission may by general regulation require. Such reports shall be compiled and the general results thereof published as soon after they are received as practicable.

Sec. (33) 32. That this act shall take effect on the 1st day of July, 1912, and may be cited as the Federal accident compensation act of 1912.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes:

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18335) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18337) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18954) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18955) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ANDERSON of Ohio, and Mr. FULLER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. RICHARDSON, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

HOUSE BILLS REFERRED.

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, was read twice by its title and referred to the Committee on Territories.

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr., was read twice by its title and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Baptist Church of Pittsview, Ala., and a petition of the congregation of the Methodist Episcopal Church of Russell County, Ala., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Young Men's Hebrew Association of St. Louis, Mo., expressing sympathy for the loss of life by the sinking of the steamship *Titanic*, which were referred to the Committee on Commerce.

Mr. BOURNE. At the request of Paul A. Harsch, secretary to the National League for Medical Freedom, I present a large number of memorials from citizens of the State of Oregon, remonstrating against the passage of any national so-called health legislation such as the Owen bill and other measures. I move that the memorials lie on the table.

The motion was agreed to.

Mr. OLIVER presented a petition of sundry citizens of Shohola, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the congregation of the Free Methodist Church of Rochester; of the Woman's Christian Temperance Union of Brave; and of members of the Men's Brotherhood of St. Stephen's Lutheran Church, of Pittsburgh, all in the State of Pennsylvania, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. ROOT presented memorials of sundry citizens of Buffalo, Ithaca, New Rochelle, and Rochester, all in the State of New York, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, reported it with amendments and submitted a report (No. 696) thereon.

MISSOURI RIVER EMERGENCY APPROPRIATION.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 23774) providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.

Mr. BROWN. Mr. President, that is a bill of very great emergency, and it is very short. I wish that it might be considered.

The VICE PRESIDENT. Without objection, the Secretary will read the bill for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 6680) granting an increase of pension to Isaac Smouse (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 6681) granting an increase of pension to Sophronia F. Cady; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 6682) for the relief of John Duggan, alias John McCarty (or McCarthy); to the Committee on Military Affairs.

By Mr. KERN:

A bill (S. 6683) granting an increase of pension to Josiah L. Burton (with accompanying papers); and

A bill (S. 6684) granting a pension to Oscar C. Shull (with accompanying paper); to the Committee on Pensions.

By Mr. TILLMAN:

A joint resolution (S. J. Res. 105) authorizing Surg. Eugene Wasdin, United States Public Health and Marine-Hospital Service, to accept a decoration tendered him by the Italian Government; to the Committee on Foreign Relations.

OMNIBUS CLAIMS BILL.

Mr. SHIVELY submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the

Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

HOURS OF LABOR.

Mr. ROOT submitted an amendment intended to be proposed by him to the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, any Territory, or for the District of Columbia, and for other purposes, which was ordered to lie on the table and be printed.

AIDS TO NAVIGATION.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments and agree to the conference asked by the House, and that the Chair appoint the conferees.

The motion was agreed to; and the Vice President appointed Mr. NELSON, Mr. BURTON, and Mr. FLETCHER conferees on the part of the Senate.

EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes.

Mr. SMITH of Georgia. I have a letter and telegram which I desire to have put in the Record.

There being no objection, the letter and telegram were ordered to be printed in the Record, as follows:

KANSAS CITY, MO., May 3, 1912.

Hon. JAMES A. REED,
United States Senator, Washington, D. C.:

Railroad men here heartily approve your position on compensation bill. Mr. Wills, of Brotherhood of Locomotive Engineers, does not represent sentiments of railroad men in this section.

L. GOLDANELS, Secretary No. 537,
Brotherhood of Locomotive Firemen and Engineers.

ST. JOSEPH, MO., April 30, 1912.

Hon. JAMES REED,
United States Senator, Washington, D. C.

DEAR SIR: A copy of Senate bill 5382, known as the Federal compensation bill has been taken up and considered by the members of the P. Lavelle Lodge, No. 92, Brotherhood of Railroad Trainmen, St. Joseph, Mo., and the action taken thereon was against the passage of the bill.

We do not think it is the kind of compensation bill that is desired, and we furthermore do not think it is just to the cause of railroad employees.

Hoping that you will do all in your power to defeat the passage of this bill, and thanking you for the copy of bill and the explanation of same, we are,

Yours, very truly,

THOS. FANINGTON.
CHAS. S. SIMINEO.
A. C. VOORHIES.

Mr. SUTHERLAND. I move that the Senate stand in recess until 11.50 o'clock to-morrow.

Mr. BACON. There is no "to-morrow" in the legislative day.

Mr. SUTHERLAND. If the Senator will give me some parliamentary word that will fit, I will accept his suggestion.

Mr. BACON. The Senator will have to say "Saturday."

Mr. SUTHERLAND. I move that the Senate take a recess until the calendar day Saturday next, at 11.50 o'clock.

The motion was agreed to, and (at 6 o'clock and 20 minutes p. m., Friday, May 3) the Senate took a recess until Saturday, May 4, at 11 o'clock and 50 minutes a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 3, 1912.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we bless Thee for the eternal principles revealed in the marvelous Sermon on the Mount, which inspires to holy living, comforts the sorrowing, soothes the dying, and makes clear the immortality of the soul. Help us to live those principles and prove ourselves worthy sons of the living God, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE RECORD.

Mr. MANN. Mr. Speaker, I call attention to a speech inserted in the Record, on page 5999, by the gentleman from New

York [Mr. SULZER] on the Post Office appropriation bill, where the previous question had been ordered and debate was out of order. The Record shows, on page 5999 once and on page 6000 three times, practically the following: "I now send to the Clerk's desk and ask to have read a certain paper." And then follows: "The Clerk read as follows."

Of course no such transaction took place in the House. I do not think in inserting speeches in the Record out of place any Member ought to purport to state a transaction as taking place in the House which does not take place in the House. In the absence of the gentleman from New York [Mr. SULZER], I shall not make any motion and do not know that I would do it if he were here. But if such things are to occur in speeches inserted in the Record, making misstatements as to what actually took place in the House, purporting to state that the gentleman asks the Clerk to read and the Clerk does not read—

Mr. KENDALL. Following that by a comment on what is purported to have been read—

The SPEAKER. The Chair would ask the gentleman from Illinois [Mr. MANN] what suggestion he has to make about it, if any? It seems to the Chair—

Mr. MANN. The suggestion I make is that if it occurs hereafter probably I shall move to strike the statement from the Record, because it is not fair to the House, especially where the previous question is ordered and debate is not in order, to make it appear that a gentleman not only debates, but that the Clerk reads.

The SPEAKER. The Chair thinks the suggestion of the gentleman from Illinois [Mr. MANN] is proper. The only question is where to order the speech printed. The gentleman from New York had the right to print a speech. It seems to the Chair that it ought to be taken out of the place in which it is inserted now, undoubtedly.

Mr. FINLEY. I suggest this. The gentleman from New York [Mr. SULZER] is not here, and it may be, through inadvertence or otherwise, that this speech or proposed speech was inserted in the wrong place in the Record.

Mr. MANN. In any event it is not proper in the insertion of a speech by leave to purport and put in what the Clerk does. The Clerk does nothing.

Mr. FINLEY. I agree with the gentleman on that proposition. Mr. MANN. It is an erroneous statement. I do not make any motion at present, but this is not the first time it has happened and I think it is time to call attention to it.

Mr. FINLEY. I will state it is the first time I have known it to happen.

The SPEAKER. The Chair will ask the gentleman from Illinois [Mr. MANN], who keeps account of these detailed matters, how many days under the practice are allowed for the correction of the permanent Record now?

Mr. MANN. Until it is made up; usually about 10 days, I think.

Mr. KENDALL. Mr. Speaker, I want to call the attention of the gentleman from South Carolina [Mr. JOHNSON] to the fact that these remarks, to be pertinent at all, would have to appear where they appear now in the Record, because they relate to an editorial which was not printed until the 1st day of May.

The SPEAKER. Let the matter hold over until the gentleman from New York [Mr. SULZER] comes back, and the Chair will then take the trouble to notify him.

ORDER OF BUSINESS.

Mr. POU. Mr. Speaker, I ask unanimous consent that the next legislative day, immediately following the disposition of the bill now under consideration, be allotted to the Committee on Claims for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from North Carolina [Mr. POT] asks unanimous consent that the next legislative day succeeding the disposition of this appropriation bill by the House shall be set apart for the Committee on Claims—of course with the proviso that the next legislative day after this bill is disposed of would not be Calendar Wednesday.

Mr. MANN. I was going to suggest that, and I was going to suggest further unanimous-consent day.

Mr. ADAMSON. Mr. Speaker, as I understand, that committee is entitled to a day by right and by rule.

Mr. MANN. If it gets it; yes.

Mr. ADAMSON. I understood yesterday, Mr. Speaker, that the Panama Canal bill would come up after this bill was finished, and that upon that arrangement I would not be prejudiced by substituting a subsequent day for this.

The SPEAKER. The gentleman from North Carolina [Mr. POT] asks unanimous consent that the first legislative day, provided it is not Wednesday—

Mr. MANN. Or unanimous-consent day. Does the gentleman include in his request an exception of unanimous-consent day?

Mr. **POU**. Yes; I except that.

The **SPEAKER** (continuing). And except the day for unanimous consent and suspension of the rules, shall be set apart for the consideration of bills from his committee.

Mr. **NORRIS**. Except Monday and Wednesday?

The **SPEAKER**. Except Monday and Wednesday.

Mr. **MANN**. Bills on the Private Calendar. I take it, claims should not have preference over war claims.

Mr. **POU**. There would not be any controversy about that.

Mr. **MANN**. There would be a controversy, because when claims are in order war claims are also in order.

Mr. **POU**. My proposal was to set apart a day for the consideration of bills from the Committee on Claims.

Mr. **MANN**. Reserving the right to object, Mr. Speaker, if the gentleman had the right to-day, he would not have that preference.

Mr. **NORRIS**. Why does not the gentleman make a request that bills in order to-day will be in order on the day that is set apart? That would simply substitute this day for a day following the finishing of the pending appropriation bill.

Mr. **POU**. I made the proposition so that the bills now on the calendar could be considered. There are many gentlemen, a large number, interested in them.

Mr. **MANN**. There are a large number of bills on the Private Calendar reported from committees other than the Committees on Claims and War Claims, which, under the practice, come up in regular order, either on claims day or war-claims day. If the gentleman wants to substitute another legislative day for to-day, I have no objection, but I think it ought to be on the same terms as though the calendar were called to-day.

Mr. **POU**. I am willing to accept that amendment.

The **SPEAKER**. The gentleman from North Carolina [Mr. **POU**] asks unanimous consent that on the first legislative day succeeding the disposition of this appropriation bill, provided the day is not the first or third Monday, or Wednesday, shall be set apart for such business as would be in order to-day—

Mr. **MANN**. On the Private Calendar.

The **SPEAKER**. On the Private Calendar. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. **OLMSTED**. Mr. Speaker, I ask unanimous consent to revise and extend some remarks which I made on the day before yesterday on House bill 17556.

The **SPEAKER**. The gentleman from Pennsylvania [Mr. **OLMSTED**] asks unanimous consent to extend his remarks in the **RECORD** on House bill 17556. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. **JOHNSON** of South Carolina. Mr. Speaker I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, with Mr. **UNDERWOOD** in the chair.

The **CHAIRMAN**. Under the unanimous-consent agreement before the committee rose last evening it was agreed that the gentleman from Illinois [Mr. **MANN**] should be recognized for 30 minutes. The Chair recognizes the gentleman from Illinois.

Mr. **MANN**. Mr. Chairman, I shall not address the House at this time upon the subject which I had intended to, and I ask leave to extend my remarks in the **RECORD** upon a matter entirely different from the one I had intended to address the House upon.

The **CHAIRMAN**. The gentleman from Illinois asks unanimous consent to extend his remarks in the **RECORD**. Is there objection?

There was no objection.

[Mr. **MANN** addressed the committee. See Appendix.]

The Clerk read as follows:

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, \$2,220, messenger, \$1,440; clerk to the Committee on Agriculture and Forestry, \$2,500, assistant clerk, \$1,440, messenger, \$1,440; clerk to the Committee on Appropriations, \$4,000, two assistant clerks, at \$2,500 each, assistant clerk, \$1,440, messenger, \$1,440; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, \$2,500, messenger, \$1,440; clerk to the Committee on Canadian Relations, \$2,220, messenger, \$1,440; clerk to the Committee on the Census, \$2,220, messenger, \$1,440; clerk to the Committee on Civil Service and Retrenchment, \$2,220, messenger, \$1,440; clerk to the Committee on Claims, \$2,500, assistant clerk, \$2,000, assistant clerk, \$1,440, messenger, 900; clerk to the Committee on Coast and Insular Survey, \$2,220, messenger, \$1,440; clerk to the Committee on Coast Defenses, \$2,220, assistant clerk,

\$1,440; clerk to the Committee on Commerce, \$2,500, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Conference Minority of the Senate, \$2,220, assistant clerk, \$1,800; clerk to the Committee on Conservation of National Resources, \$2,220, messenger, \$1,440; clerk to the Committee on Corporations Organized in the District of Columbia, \$2,220, messenger, \$1,440; clerk to the Committee on Cuban Relations, \$2,220, assistant clerk, \$1,440; clerk to the Committee on Disposition of Useless Papers in the Executive Departments, \$2,220, messenger, \$1,440; clerk to the Committee on the District of Columbia, \$2,500, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Committee on Education and Labor, \$2,220, assistant clerk, \$1,440; clerk to the Committee on Engrossed Bills, \$2,220, messenger, \$1,440; clerk to the Committee on Enrolled Bills, \$2,220, assistant clerk, \$1,440; clerk to the Committee to Examine the Several Branches of the Civil Service, \$2,220, messenger, \$1,440; clerk to the Committee on Expenditures in the Department of Agriculture, \$2,220, messenger, \$1,440; clerk to the Committee on Expenditures in the Interior Department, \$2,220, messenger, \$1,440; clerk to the Committee on Expenditures in the Department of Justice, \$2,220, messenger, \$1,440; clerk to the Committee on Expenditures in the Navy Department, \$2,220, messenger, \$1,440; clerk to the Committee on Expenditures in the Post Office Department, \$2,220, messenger, \$1,440; clerk to the Committee on Expenditures in the Department of State, \$2,220, messenger, \$1,440; clerk to the Committee on Expenditures in the Treasury Department, \$2,220, messenger, \$1,440; clerk to the Committee on Expenditures in the War Department, \$2,220, messenger, \$1,440; clerk and stenographer to the Committee on Finance, \$3,000, messenger, \$1,440; clerk to the Committee on Fisheries, \$2,220, assistant clerk, \$1,440, messenger, \$1,440; clerk to the Committee on the Five Civilized Tribes of Indians, \$2,220, messenger, \$1,440; clerk to the Committee on Foreign Relations, \$2,500, assistant clerk, \$2,220, messenger, \$1,440; clerk to the Committee on Forest Reservations and the Protection of Game, \$2,220, messenger, \$1,440; clerk to the Committee on the Geological Survey, \$2,220, messenger, \$1,440; clerk to the Committee on Immigration, \$2,220, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Committee on Indian Affairs, \$2,500, assistant clerk, \$1,440; clerk to the Committee on Indian Depredations, \$2,220, messenger, \$1,440; clerk to the Committee on Industrial Expositions, \$2,220, messenger, \$1,440; clerk to the Committee on Inter-oceanic Canals, \$2,220, assistant clerk, \$1,440; clerk to the Committee on Interstate Commerce, \$2,500, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Committee to Investigate Trespassers on Indian Lands, \$2,220, messenger, \$1,440; clerk to the Committee on Irrigation and Reclamation of Arid Lands, \$2,220, messenger, \$1,440; clerk to the Committee on the Judiciary, \$2,500, assistant clerk, \$2,220, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Joint Committee on the Library, \$2,500, messenger, \$1,440; clerk to the Committee on Manufactures, \$2,500; assistant clerk, \$1,440, messenger, \$1,440; clerk to the Committee on Military Affairs, \$2,500, assistant clerk, \$2,220, assistant clerk, \$1,440, messenger, \$900; clerk to the Committee on Mines and Mining, \$2,220, messenger, \$1,440; clerk to the Committee on the Mississippi River and its Tributaries, \$2,220, messenger, \$1,440; clerk to the Committee on Naval Affairs, \$2,500, assistant clerk, \$1,440; clerk to the Committee on Pacific Islands and Porto Rico, \$2,220, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Committee on Pacific Railroads, \$2,220, messenger, \$1,440; clerk to the Committee on Patents, \$2,220, messenger, \$1,440; clerk to the Committee on Pensions, \$2,500, assistant clerk, \$1,800, two assistant clerks, at \$1,440 each, messenger, \$1,440; clerk to the Committee on the Philippines, \$2,220, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Committee on Post Offices and Post Roads, \$2,500, three assistant clerks, at \$1,440 each, messenger, \$1,440; clerk of printing records, \$2,220, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Committee on Private Land Claims, \$2,220, assistant clerk, \$1,800; clerk to the Committee on Privileges and Elections, \$2,220, assistant clerk, \$1,440, messenger, \$1,440; clerk to the Committee on Public Buildings and Grounds, \$2,500, assistant clerk, \$1,440, messenger, \$1,440; clerk to the Committee on Public Health and National Quarantine, \$2,220, assistant clerk, \$1,440; clerk to the Committee on Public Lands, \$2,500, assistant clerk, \$1,440; clerk to the Committee on Railroads, \$2,220, messenger, \$1,440; clerk to the Committee on Revolutionary Claims, \$2,220, messenger, \$1,440; clerk to the Committee on Rules, \$2,220, assistant clerk, \$1,800, messenger, \$1,440; clerk to the Committee on Standards, Weights, and Measures, \$2,220, messenger, \$1,440; clerk to the Committee on Territories, \$2,220, assistant clerk, \$1,440, messenger, \$1,440; clerk to the Committee on Transportation and Sale of Meat Products, \$2,220, messenger, \$1,440; clerk to the Committee on Transportation Routes to the Seaboard, \$2,220, messenger, \$1,440; clerk to the Committee on the University of the United States, \$2,220, messenger, \$1,440; clerk to the Committee on Woman Suffrage, \$2,220, messenger, \$1,440; in all, \$318,640.

Mr. **AUSTIN**. Mr. Chairman, I desire to ask the gentleman having this bill in charge if he can give the committee any information as to how much work the Senate Committee on Revolutionary Claims has to do. I see this bill carries \$2,220 for a clerk and \$1,440 for a messenger to that committee. I also wish to inquire as to the Committee on the University of the United States.

Mr. **NORRIS**. Mr. Chairman, before the gentleman from South Carolina answers the gentleman from Tennessee, I should like to ask the gentleman from Tennessee if it is his intention to make a motion to add an assistant clerk or messenger in these cases?

Mr. **AUSTIN**. That is the reason I asked for the information. I supposed the present clerk was overworked, and that we might give him an assistant or two.

Mr. **BARTLETT**. Mr. Chairman, these items have been carried in the legislative bill ever since I have been here, as well as ever since the gentleman from Tennessee and the gentleman from Nebraska have been here, and this is the first time they have ever found the items in the bill, it seems.

Mr. **AUSTIN**. Inasmuch as the policy of this bill is to cut, economize, and reduce in the various executive departments of the Government, why not begin at the other end of the Capitol Building and make a fight for economy all along the line?

Mr. **JOHNSON** of South Carolina. Mr. Chairman, there is a well-established rule that one House never interferes with the

appropriations that are made for the convenience and accommodation of the other House.

Whatever may be the opinion of the members of the Committee on Appropriations as to the expenditures of the Senate, we did not feel authorized to call the Senators before us and inquire into the propriety of those expenditures. We have written into the paragraph which was just read the law for this fiscal year, taking into account the shorter session, so far as the session employees are concerned.

I may say that there was submitted to the Committee on Appropriations a proposition to increase by more than 30 persons the clerks and messengers who are already provided for. During the first session of the Sixty-second Congress, while the House was dispensing with 100 employees, or thereabouts, the Senate by special resolutions created 30 new places, and other resolutions of a like character have passed at this session. Your committee did not include in this bill these people who are now on the pay roll of the Senate under special resolutions and who are being paid out of the contingent fund.

I want to say that in 1902 the paragraph which we have just read carried \$161,000. As it is made up by the Committee on Appropriations it carries \$318,000. As the committee was requested by the Senate to make it up it would have carried \$358,000, or an increase from \$161,000 in 1902 to \$358,000 for the year 1913. But the committee, under the long-established and well-recognized rules that must obtain between the two Houses, did not feel justified in going into the expenditures of the Senate.

Mr. AUSTIN. Will the gentleman tell me if there is any legislation pending in the Senate in reference to the university of the United States?

Mr. JOHNSON of South Carolina. I do not know what legislation is pending in the Senate.

Mr. AUSTIN. The Senate has a Committee on the University of the United States, a clerk to that committee at a salary of \$2,220, and a messenger a \$1,440. Is there any legislation or anything at all looking to the establishment of a university of the United States in the Senate?

Mr. FITZGERALD. For a great many years there has been a pronounced movement which contemplated the expenditure of a large sum of money for that purpose, and I am surprised that it has escaped the attention of the gentleman from Tennessee.

Mr. AUSTIN. What I am complaining of is that the bill appropriating the money is not here. If a Senator has introduced a bill looking to the appropriation for the establishment of a university of the United States, that would not justify the Senate in appointing a committee and a clerk and a messenger and perpetuate these salaries without bringing in some legislation with reference to the establishment of such a university.

Mr. FITZGERALD. That would be a matter that the Senate could more properly determine than the gentleman from Tennessee or myself. Just how much assistance is required for one Senator or several Senators to consider one or more bills is something I am unable to state, as I never enjoyed the privilege of serving as a Senator. I have some knowledge of what a Member of the House requires.

Mr. AUSTIN. I want to ask the gentleman having the bill in charge why it is that we are appropriating in the bill \$2,000 per annum for secretaries to Senators and only \$1,500 for secretaries to Members of the House, and why we allow each Senator not only a secretary at a salary of \$2,000 a year, but also furnish him, in addition, with a stenographer at an annual salary of \$1,200 a year? Why should a United States Senator be provided with a secretary at a salary of \$2,000 and a stenographer at \$1,200, and a Member of the House only provided with a secretary at \$1,500? Then we are voting in this bill \$1,440 per annum for a messenger to a committee of the Senate and only \$720 for a messenger to a committee in the House of Representatives. Why is it that we are called upon to discriminate against this House in favor of the Senate, paying our employees in a number of instances only half of what we are willing to sit here and pay to corresponding employees in the Senate? It is not justice to our employees and it is not fair to ourselves.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. AUSTIN. Certainly.

Mr. FITZGERALD. Which does the gentleman think is wrong, the compensation paid to the employees of the Senate or the compensation paid to those in the House? Does he think that those in the Senate are paid too high or those in the House too low?

Mr. AUSTIN. I do not think the compensation paid to those in the Senate is too much, but I do think that a messenger of this House at \$60 a month is not receiving enough. I say when we sit here and vote to provide a Senator with a secretary at \$2,000 a year and a stenographer at \$1,200 a year, and \$1,440 for a messenger, we are saying by that vote that we indorse it and approve it. If we do that with reference to the employees of the Senate, there can be no excuse for not increasing the salaries of those in the House to a corresponding amount. We might as well fix the salaries of the Senators at \$10,000 a year and fix our own salaries at \$7,500 a year.

Mr. PAGE. Mr. Chairman, will the gentleman submit to a suggestion?

Mr. AUSTIN. Certainly.

Mr. PAGE. I would suggest to the gentleman that he offer an amendment to this paragraph reducing the salaries of these employees in the Senate, putting them on a par with those in the House.

Mr. AUSTIN. No; I would rather offer an amendment to raise the salaries of the employees of the House and put them on a level with those of the Senate.

Mr. PAGE. Then I would suggest to the gentleman that when we reach that paragraph in the bill he offer that amendment.

Mr. AUSTIN. I would be glad to have the assistance of the gentleman from North Carolina.

Mr. PAGE. I do not promise my assistance. I merely make that suggestion.

Mr. GARNER. Mr. Chairman, I did not happen to be in the House this morning at the time the bill was taken up. I did not know that we met at 11 o'clock, notwithstanding my suggestion the other day to the gentleman from Illinois [Mr. MANN] that we ought to keep up with the record. I desire to call the attention of the gentleman in charge of the bill to an item under the office of the Vice President, which has been passed, which appears on page 2 of the bill. At the beginning of this Congress the Democratic caucus saw fit to strike out all of the appropriation for the item in the House of Representatives for two telegraph operators under the jurisdiction of the Speaker. I notice in the bill, as reported, an item for a telegraph operator for the Vice President at \$1,500 a year, and a telegraph page for \$600 a year. I would like the gentleman in charge of the bill to explain to the House why it is any more necessary for the Vice President to have a telegraph operator and a page for the telegraph operator than it is for the Speaker of the House of Representatives.

Mr. JOHNSON of South Carolina. Mr. Chairman, I have already explained that the Committee on Appropriations, under the rules that obtain between the two Houses, did not feel justified in inquiring into the propriety of these expenditures on the part of the Senate. We may have our individual ideas about their extravagance or their impropriety, but in a legislative capacity we are not at liberty to inquire into them, and we simply write into the bill the estimates sent to us by the Secretary of the Senate—or, in this case, we have written into the bill the current law.

Mr. GARNER. Then, if I understand the gentleman in charge of the bill, it makes no difference how extravagant it might appear to the House of Representatives or to the Committee on Appropriations, that committee would not take the position under any condition that it could go into the matter of the necessity of the employees in the Senate. Here is one instance where the House of Representatives has taken action and has decided, so far as the House is concerned, that it did not need a telegraph operator, that it did not need a page to the Speaker for the telegraph operator, and if this instance is not sufficient to convince the Committee on Appropriations that it is extravagant, that it is a matter into which the House of Representatives ought to look, then we must submit absolutely to the suggestions of the Senate regardless of what our opinions may be in respect to the extravagance of their appropriations.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Texas [Mr. GARNER] is not justified in the inference which he draws. The Senate has determined that the telegraph office which it maintains is necessary for the convenience and the business of the Senate. Members of the House might differ as to what is necessary for the convenience and proper conduct of public business in some other legislative body, but, after all, this House would not tolerate any interference by the Senate with what it determined to be necessary in order to transact the public business of the House. If the House assumes that attitude so far as its own personnel is concerned, its own con-

venience, as to the things necessary to enable it to transact its business, then it must recognize that right in the other body. The only thing that the House can properly do, in those instances in which it would appear that expenditures are made to enable the Senate to transact its business which are out of proportion to what reasonable men would believe to be necessary, is to call the attention of the country to the fact. I do not know, and I do not know any other gentleman here who does know, that the telegraph office maintained by the Senate is not essential. The fact that the House abolished the telegraph operator here is no criterion as to whether such a position is necessary in the Senate. I know that abolishing that office did inconvenience the work conducted under me.

Mr. GARNER. Mr. Chairman, the gentleman from New York I am sure is as familiar with the workings of the Senate as any Member of the House—

Mr. FITZGERALD. I do not profess to know anything about the way the Senate works.

Mr. GARNER. I do not contend that the gentleman knows anything about it, but I contend that he is as familiar with it, doubtless, as any Member of the House. It may be that no Member of the House knows anything about the workings of the Senate.

But I want to ask the gentleman if he can conceive of any reason why a telegraph operator should be furnished to the Vice President of the United States any more than to the Speaker of the House of Representatives?

Mr. FITZGERALD. It is not furnished to the Vice President. We should be fair about these things.

Mr. GARNER. Well, the appropriation.

Mr. FITZGERALD. Well, the appropriation is made under the Vice President, and the operator is appointed by the Vice President, and he is employed in a telegraph office maintained by the Senate. For its convenience or by its organization the appointment apparently is made by the Vice President, and the appropriation is placed under him. I do not believe the Vice President has any need for a telegraph operator himself, but if the Senate is maintaining a telegraph office there is need for a telegraph operator, and if the appropriation is made it must be made under some official who will have the appointment.

Mr. GARNER. Can the gentleman conceive of any conditions, so far as his observation goes, why the Senate of the United States has any more need of a telegraph operator than the House of Representatives?

Mr. FITZGERALD. Well, I am not sufficiently familiar with the duties and work of the Senate to know. I do know this: I have seen in the past 13 years of my service here gentlemen of this House indulge in very severe criticisms of the personnel of the Senate and the extent of the service which it insists upon having, and after they have left this body for another place of more distinguished public service and became Members of the Senate apparently their viewpoint has entirely changed, and they no longer rave against the extravagances of the Senate, but seem to become happily reconciled to them.

Mr. DYER. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. DYER. Do I understand the gentleman from New York to concede to the Senate absolutely the right to fix the salaries of its employees regardless of what this House may think of it?

Mr. FITZGERALD. My information is that since the beginning of the Government the Senate has insisted upon that right, and in no instance has it ever yielded from that position.

Mr. DYER. Will the gentleman yield for this question also following that? I would ask the gentleman if he does not think that the President of the United States should be shown the same consideration by this House that it shows to the Senate?

Mr. FITZGERALD. No; I do not. The President is a different individual; he is at the head of the executive department of the Government. This is the legislative department of the Government.

Mr. DYER. Should he not be shown the same consideration in reference to his secretary, whose salary has been reduced?

Mr. FITZGERALD. Well, we will discuss that question when we come to it. We have shown every consideration to the President of the United States in the preparation of this bill.

Mr. MANN. Mr. Chairman, with reference to the statement made by the gentleman from Texas [Mr. GARNER], it is but fair to say that the total appropriation for the officers under the Vice President is \$7,540, while the total appropriation under the Speaker is \$12,840, and it does not make much difference what you call those officials. I have no doubt they are needed by both the Vice President and the Speaker. Mr. Chairman, in this bill in the item which has just been read, carrying the em-

ployees of the committees of the Senate, the total is \$318,640. The total for employees of the committees of the House carried in the bill is \$162,230, about one-half the amount carried in the bill for the Senate and less than one-half the amount now actually being paid to employees in the Senate. I took occasion some time ago—

Mr. BARTLETT. Mr. Chairman, I ask for order; I can not hear the gentleman, and I would ask the gentleman to repeat that statement of the amount, as I did not hear it. I understood him to say it was \$162,000.

Mr. MANN. I will repeat the statement. The amount carried in the bill for the committees of the House is only about half the amount carried for the employees of the committees of the Senate and is less than half the amount now actually carried for employees in the Senate.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. Let me make this statement and then I will be glad to yield. Some time ago, due to possible idle curiosity, I examined into the activities of some of these numerous committees of the Senate and discovered that many of them had had no bills referred to them for many terms of Congress, and hence had made no report upon any bill, and hence they could have had no business to transact. But, Mr. Chairman, it is fair to say that many of these committees, both of the House and of the Senate, are maintained for the purpose of maintaining employees of the committees in order that those employees may render assistance to the chairmen of the committees. I think it would be a wise policy if the House extended that theory so that some of the older Members of the House who are more active in connection with legislation might have the assistance which they require in the work of legislation. The clerks to Members of the House, in the main, are engaged all the time in work passing between the Member and his constituents and as a rule do not have much time to give much attention to legislative work. It is also but fair to say that a Senator of the United States represents as large a constituency in the total as the total membership of the House, and that therefore each Member of the Senate has a larger constituency than each Member of the House, and having a smaller number of Members of the Senate they require a larger number of employees to transact the official business which comes to them from their constituencies throughout the country.

A Senator from my State, that now will soon have 27 Members in the House, has an average constituency equal to more than 13 Members of the House. And while the 13 Members of the House each have a clerk, it is but fair that the Senator should have a larger number of employees to do his work than the one Member of the House. And I think as a rule these things have grown up in the Senate because they were required. I have discovered in my service in the House that chairmen of committees, which committees have employees sufficient to give aid to the chairmen, do more work and better work on the average than is done without them. The number of bills reported at this session of Congress where the reports are incorrect or where the bills do not conform with the reports would astonish Members of the House if their attention was called to it in every case, and that is largely because the committees, in the first place, have new employees, and in the second place, some of them do not have sufficient employees. The amount of legislation transacted by Congress now is manifold what it was only a few years ago. Look, for instance, just at the printed volumes of the laws passed by Congress. What is now two large volumes a few years ago was one volume much thinner than either of the two is now. That means more work, and more work means necessarily more employees if the work is to be done intelligently. [Applause.]

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I beg the gentleman's pardon. I will yield.

Mr. GARNER. I want to ask the gentleman a question in reference to one of the statements which he made. The gentleman says, if I understood correctly, the Senate in reality was paying twice as much as is now being paid to the House committee employees. I would like the gentleman to state to the House in what way the Senate pays more than is indicated by the appropriation.

Mr. MANN. We make an appropriation for a contingent fund in the House, and there is a contingent fund in the Senate. We have passed a number of resolutions in the House for employees to be paid out of the contingent fund until otherwise provided by law. The Senate has done the same thing, and I think there has been added since the current law went into effect, last July, 30 or 40 employees in the Senate. Two were added the other day for a new committee, which will never meet, probably.

Mr. GARNER. I thought possibly the gentleman had reference to the question of the extra month's salary.

Mr. MANN. Oh, no.

Mr. GARNER. The Senate has made no attempt so far to pay out of its contingent fund or any other fund which is in the exclusive control of the Senate any—

Mr. MANN. They can not do that out of the contingent fund unless it is largely increased. I think they have hard work to pay them now out of the contingent fund.

Mr. BARTLETT. It does not require the action of both Houses, but it always goes on the appropriation bill.

Mr. MANN. I know if the Senate has a contingent fund it can spend it as it pleases. It might pay it all to one man, for all I know. I am quite certain we can not do it out of the contingent fund that is provided in the law or in the bill.

Mr. OLMSTED. Mr. Chairman, I wish to add to what the gentleman from Illinois has said, that I am not disturbed that each Senator has a greater allowance for clerical hire than a Member of the House, and I am led to that reflection in consideration of my own State, which has at this time 32 Members in this House. Each Member has one clerk. Speaking of my own experience for many years, I have employed all the time one extra clerk at my own expense, and part of the time a second assistant, for I have a very large correspondence. Two Senators, with two extra clerks each, represent the same constituency that we 32 Members of the House represent, with 32 clerks, and they have proportionately as large a correspondence as we have. I have not the slightest doubt that each Senator from Pennsylvania expends out of his own pocket quite a large sum each year for clerical assistance.

The business of this House has so wonderfully increased that more clerical assistance is necessary. Some years ago—not so many years ago—the total number of bills offered was one or two or three thousand and up to five thousand bills in a Congress. Now we have more than 40,000 bills introduced in a Congress. We get inquiries from constituents about some or all of these bills. We have to have assistants who can devote their time entirely to looking up these bills and advising us about them, so that we can advise our constituents. I have letters in my pocket this morning that it would take me a day to look up the information necessary to enable me to answer them intelligently. Speaking as a Member of the minority, of course we Members of the minority have no committee clerks to assist us and have simply the personal clerk allowed to each Member.

I do not think that on the average the clerical assistance allowed to Members of the Senate is more than they require, and in many instances, in the case of Senators representing the larger States, I feel certain that the Senators have to pay something out of their own pockets every year for necessary clerical assistance.

Mr. AUSTIN. Mr. Chairman, I want to say a word to the gentleman from Texas [Mr. GARNER] in answer to his reply to the gentleman from Illinois [Mr. MANN] as to this difference in the total amounts required to run the Senate and the House. You will find in this appropriation bill that practically every committee of the Senate has an assistant clerk, at \$1,800 a year. The House has not. You will find that every committee of the Senate has a messenger, at \$1,440 a year, while we are paying ours at the rate of \$720. They also have a personal clerk, at \$2,000, and a stenographer, at \$1,200, whereas we appropriate only \$1,500 each for our personal clerks and nothing for stenographers for the Members of the House.

Mr. BARTLETT. Not to every Senator, but only to Senators who are not chairmen of committees. Only clerks to such Senators get \$2,000. That is the language.

Mr. AUSTIN. That is true. Every Senator without a chairmanship gets a clerk at \$2,000 and a stenographer at \$1,200, and every Senator who is chairman of a committee has a committee clerk at \$2,250, in some instances at \$3,000, and in one instance at \$4,000.

Mr. BARTLETT. Not every one.

Mr. AUSTIN. I say "in many instances," and also an assistant clerk, at \$1,800, and a messenger, at \$1,440.

Mr. KENDALL. Those are only the chairmen.

Mr. BARTLETT. If the gentleman will examine the bill—I do not myself know what they have—he will find that this bill does not carry an assistant clerk for every chairman.

Mr. AUSTIN. I say in a number of instances.

Mr. BARTLETT. That is true with a number of important committees, like Agriculture, Appropriations, and so forth.

Mr. AUSTIN. The Committee on Indian Affairs, the Committee on Foreign Affairs—

Mr. BARTLETT. They are very important committees, just like ours.

Mr. AUSTIN. I am not talking about their importance at all. I am simply calling attention to this difference, so that the gentleman from Texas [Mr. GARNER] may understand how it is made up.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Post office: Postmaster, \$2,250; chief clerk, \$1,800 (deficiency act July 21, 1911); seven mail carriers and one wagon master, at \$1,200 each; four riding pages, at \$912.50 each; in all \$17,300.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the gentleman desire that reference to the deficiency act to remain in the bill as a part of the bill, in lines 21 and 22, page 8?

Mr. JOHNSON of South Carolina. That is the law under which this appropriation was made.

Mr. MANN. Does the gentleman desire the reference to be retained?

Mr. JOHNSON of South Carolina. Yes. We want to keep the reference there in order to keep track of the appropriation. It was put in designedly.

Mr. MANN. It is not retained anywhere else, apparently.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FAISON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 23774. An act providing an appropriation to check the inroads of the Missouri River in Dakota County, Nebr.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 22043) to authorize additional aids to navigation in the Lighthouse Service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. BURTON, and Mr. FLETCHER as the conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Folding room: Assistant, \$1,400; clerk, \$1,200; foreman, \$1,400; 9 folders, at \$1,000 each; 14 folders, at \$840 each; page, \$600; in all, \$25,360.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose this assistant was an assistant superintendent. What is he now? Under the folding room in the Senate there used to be a superintendent and an assistant superintendent. What is the assistant now?

Mr. JOHNSON of South Carolina. I would simply say that as to these two men in the folding room of the Senate we have used the titles that they used, and have put into the appropriation bill the law of the current year.

Mr. MANN. Formerly it was assistant superintendent. I do not know what you mean when you just call him an assistant.

Mr. NORRIS. Where is his boss appropriated for here?

Mr. JOHNSON of South Carolina. They had a superintendent and they abolished him, and they call these men foreman and assistant.

Mr. MANN. It ought to be assistant foreman, or whatever it is, and not simply an assistant.

The Clerk read as follows:

For mileage of Representatives and Delegates, and expenses of Resident Commissioners, \$154,000.

Mr. PAGE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out lines 15 and 16 on page 11 and insert in lieu thereof:

"For mileage of Representatives, Delegates, and Resident Commissioners, at the rate of 5 cents for each mile traveled by the usual route from their home to the seat of government, \$38,500."

Mr. GARNER. I did not happen to be in the Hall when the item with reference to mileage of Senators was read. I will ask the gentleman if he offered a similar amendment on page 1 with reference to the mileage of Senators?

Mr. PAGE. The gentleman did not, because he was in the same fix as the gentleman from Texas and he did not happen to be on the floor. After disposing of this amendment, I will ask unanimous consent to recur to that item for the purpose of offering a similar amendment.

Mr. Chairman, I have no disposition whatever to discuss the merits or demerits of the provision as contained in the bill or the amendment which I have offered. The question has been before the Committee of the Whole House on the state of the Union

time and time again and has been thoroughly discussed, and everybody here certainly understands the whole question, which is, as I see it, whether or not we, as Members of the House of Representatives, shall continue to vote to ourselves an amount of money for a purpose for which it is not expended.

I believe that we, as Members of the House, are entitled to, and that the people of this country believe we should have, only an amount that will defray the expenses of a Member coming to the sessions of the House. I think it is due to the House itself and to its membership that we should consider this matter in the light of the facts as they exist, and deal with it honestly between ourselves and the people whom we represent.

A great deal has been said, by my colleagues on this side of the House particularly, about economy. I am inclined to think that rather too much has been said along that line in connection with some matters about which we legislate; but I do believe that if we expect the country to take us seriously, and if we are expecting to make any impression upon the country at all that our purpose is to economize, we should begin, as we did in the beginning of this Congress, with the organization of this House—that we should begin with ourselves. And I honestly and earnestly believe that the compensation I have provided in the amendment that I have sent to the desk is ample to pay every expense of a Member of the House in connection with his travel, and that that is all he is entitled to, and all that the people of this country believe we should have; and I hope the amendment may prevail.

Mr. SHARP. Mr. Chairman, I wish to say—

Mr. JOHNSON of South Carolina. Mr. Chairman, this amendment is of some interest to the membership of the House, and I ask that all debate on the amendment close in 30 minutes.

The CHAIRMAN. The gentleman from South Carolina asks that debate on the pending amendment to the paragraph—

Mr. JOHNSON of South Carolina. And all amendments thereto.

The CHAIRMAN. And all amendments thereto be closed in 30 minutes. Is there objection?

There was no objection.

Mr. SHARP. Mr. Chairman, the gentleman from South Carolina has given his reasons for the adoption of this amendment so tersely and in terms so well expressed that I do not know that I can add anything to what he has said. I will say that had he not first offered the amendment I would have done so.

We had this discussion some months ago upon the floor of this House, and unfortunately the proposition to reduce the mileage compensation was at that time voted down, though I think it provided for 10 cents instead of 5 cents a mile.

But it seems to me there is an additional reason at this time for practicing economy in the manner suggested in this amendment.

Mr. GARNER. Will the gentleman yield for an interruption?

Mr. SHARP. Certainly.

Mr. GARNER. In the gentleman's judgment, what is the equitable reason for any appropriation whatever to pay the expenses of Congressmen coming to and going from Washington? Is it the purpose to equalize the salary of the Congressman, and if so, will 5 cents per mile pay the Member's expenses when he brings his family to the Capital?

Mr. SHARP. It will pay his own individual expenses, but it will not of course take care of the railroad expenses of his family. It must be remembered that this law allowing 20 cents per mile was put on the statute books at a time when Members of Congress received only \$5,000 per annum. They are now getting \$7,500 per annum. There is an additional reason, it seems to me, for us to now inaugurate this policy of economy in the House. It was only at the last session of Congress that we saw fit in our judgment—although I voted and spoke against it—to increase the membership of the House under the recent decennial census by an addition of 42 Members which, at the least estimate, will call for an additional expenditure in salaries, clerk hire, mileage, and so forth, of \$500,000 per annum. I am not finding fault with the general plan of economy shown in this bill. I have no criticism to make of the committee in its endeavor to lop off the services of unneeded employees wherever it finds them, though I deplore the effect. But it does seem to me that we can set a shining example here ourselves if we begin to apply the remedy at home, and instead of taking 20 cents a mile we consent to this amendment which allows but 5 cents a mile each way, as I understand it, which seems to me to be adequately sufficient to cover all the necessary expenses. I am heartily in favor of the amendment and sincerely hope it will carry.

Mr. CANNON. Mr. Chairman, I am amused, I will not say disgusted, at this amendment. I have listened with interest to the gentleman from Ohio and also to the gentleman from North Carolina, both of whom, I believe, notwithstanding the law touching mileage, now want to cut it down to 5 cents a mile one way.

This legislative body acts so far as legislation is concerned, for a great block of people—90,000,000 in round numbers. We come and go by decennial apportionment, according to the population from our respective districts.

I have been here a long time. I could have stopped any time I chose to, and there have been many people that have desired me to halt. [Laughter.] I have a very good district that I appreciate highly. I am said to be a multimillionaire, all the way from two millions to a thousand millions, according to the declaration of those who are from time to time pleased to state, and all of which people say, now and then, that I have made by being a Member of the House. [Laughter.]

I laugh and go on. It is true that I have a modest competency, but I want to say to you that considering the support of my family, the education of my two children, the campaign expenses in my district, which have never been extravagant, because extravagant sums could not be used profitably in the district that I represent, my expenses have been more than I receive.

For eight years I have kept house in Washington while I was Speaker. Before that I lived in hotels. I have drawn almost a quarter of a million dollars from the Public Treasury in about 38 years of service, and I am here to tell you that my expenditures have been a half a million dollars at least, although I have lived at home modestly and fairly modestly in Washington.

"Well, how did you get it?" [Laughter.] I had a modest competency in black Illinois lands that I got when they were cheaper than they are now, and by appreciation I have income enough so that each year I have something to the good after I answer many demands, charitable and otherwise, for my own city and county and district.

Now, my individual experience is not a guide for others. I have never apologized for all the salary I have received and I never will. Why should gentlemen sit still here and assent to this rate of mileage in the Senate? Why should they assent to the Senate having secretaries at \$2,000 a year while the House has secretaries at \$1,500 a year I do not know?

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. CANNON. With pleasure.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman a question. I think I have heard the gentleman from Illinois when he was in charge of the appropriation bills state repeatedly here that we could not inquire into the expenditures of the Senate.

Mr. CANNON. Oh, I am not criticizing the gentleman from South Carolina, and I am noticeps criminals; I am a member of the committee in the minority that reported this bill. I mean, when we reach it, to move to increase the payment for the clerical assistance to the individual Member from \$1,500 to \$2,000. [Applause.] I want to say that I have but little patience with this talk of economy in this great body that legislates for all the people upon the question of mileage, which, in point of fact, is expended in the trips we take back and forth to our homes and in bringing our families here. In my judgment, it will make no vote for any gentleman who dwells on that kind of economy. [Applause.] Oh, I have seen this proposition made from time to time during all these years. Like hope, it springs eternal. It is not a new proposition to me. In every Congress during the 38 years that I have served here I have seen people agonizing to get rid of this mileage appropriation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, I recollect the gentleman from Indiana, Mr. Holman, who was a great legislator. He was called the watch dog of the Treasury. He died poor, and he was always against the increase of salaries. I speak of him lovingly. He has passed over. I recollect one time we had a special session of Congress, which lasted all of the summer. That was the summer before he died. Then came the regular session. We adjourned, as I recollect, in September, and met again in December. That distinguished gentleman, who sat on the other side of the House, opposed the appropriation for mileage for the regular session. I laughed and said, speaking

to him familiarly and lovingly, "Oh, Judge, after all, the law which is upon the statute books gives the mileage for each session of Congress." The House overruled him and almost unanimously voted for the appropriation. Shortly after I met a daughter of his, and she came up to me and shook my hand and with tears streaming down her cheeks said: "Oh, Mr. CANNON, papa was wrong and you were right. You do not know how much we needed that money to pay our current bills." Mr. Chairman, he has crossed over. I am not criticizing him, I am speaking of him lovingly. He was a great legislator, but he had that one weakness—that he was afraid to take that which the law gave to him.

Mr. Chairman, I am not going to criticize the Democratic caucus. You have flapped your wings and crowed about starting economy here. The country has not paid as much attention to you as it would to a last year bird's nest. [Laughter.] Your economy has been little pin economy. You have been talking about mills, when we have before us for appropriation legislation that involves the expenditure of hundreds of millions of dollars. That being the fact, we should have all of the clerical help that we need, and we deserve the salary that we get and the mileage and the stationery allowed. If I had my way about it, instead of decreasing the salary of the Members of Congress, I would increase it, especially for that assistance that is necessary in these changing conditions to enable Members to keep respectable track of important questions that come before us for legislation. [Applause.]

Mr. PAGE. Mr. Chairman, I ask unanimous consent to modify my amendment by adding at the end, after the word "Government," the words "and return," so as to make it apply 5 cents each way. As it reads it would apply only one way.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, is not the gentleman willing to take a vote of the House on the question of mileage 5 cents one way?

Mr. PAGE. No. I do not think that would meet the expenses of a Member in going and coming.

Mr. MANN. Neither will the other.

Mr. PAGE. It will if he is an economical gentleman.

Mr. MANN. It will not if he has a wife.

Mr. PAGE. The gentleman and I disagree upon that point. I do not think that it contemplates paying the expenses of his family.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Chairman, I ask unanimous consent that the amendment be now reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment as it now stands.

The Clerk read as follows:

After the word "Government," in the last line of the amendment, add the words "and return," so that the amendment will read: "By the usual route from their homes to the seat of Government and return, \$38,500."

Mr. MANN. Mr. Chairman, I would like to have the amendment reported in full, if we may.

The CHAIRMAN. The gentleman from Illinois asks that the modified amendment be reported. Without objection, it will be done.

The Clerk read as follows:

Strike out lines 15 and 16, on page 11, and insert in lieu thereof the following: "For mileage of Representatives, Delegates, and Resident Commissioners at the rate of 5 cents for each mile traveled by the usual route from their homes to the seat of Government and return, \$38,500."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman, I offer the following as a substitute to follow after the figures "\$154,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, on page 11, line 16, after the figures "\$154,000," the following: "Provided, That no part of this sum shall be paid to any Representative or Delegate which shall exceed a sum sufficient to pay the actual railway, Pullman, and steamship fares of himself and the immediate members of his family in coming once from his home to Washington and returning therefrom as certified by him to the Clerk of the House."

Mr. SHERLEY. Mr. Chairman, I do not desire to convict myself of that cheeseparing economy that the distinguished gentleman from Illinois laughed at, but I am one of those people who do not believe that a thing is made justifiable because of its size, and I have never felt that we were justified in paying ourselves an extra salary under the disguise of mileage. It has

two vices. In the first place, it is an indirect and a cowardly way of doing a thing. In the second place—and to my mind the very much stronger reason against it—is that it creates inequality among Members. I was one of the men who voted for an increase of salary from \$5,000 to \$7,500. I would vote tomorrow, if I thought the salary ought to be increased, to increase it, but I am not willing to vote myself a fixed salary and then under the disguise of mileage vote myself an increased salary, and I particularly am not willing to give to a Member from Washington or from California or from any other distant point a greater compensation than is given to other Members. Now, it so happens that my mileage, as I stated a year ago, is that of the average Member, and I can speak without special bias. Mileage should be for the purpose it purports to be for—to pay the actual expenses of coming here with your family and returning from here to your home. That is all that is provided for in my substitute.

Mr. PAGE. I just want to ask the gentleman if, in his opinion, his amendment would not increase the aggregate of the amount rather than diminish it?

Mr. SHERLEY. It certainly would not, in my judgment, come anywhere near increasing it, but it would put the membership of this House on a plane of equality and pay the actual expenses, and then there would not be dissatisfaction over it throughout the country.

Mr. BORLAND. I would like to ask the gentleman whether he has occasion in the number of terms he has served here to return to his home in Kentucky several times during a session of Congress?

Mr. SHERLEY. I have occasion, but most of the occasions have been made by myself and not on Government business. [Applause.] If I choose to go to Kentucky and look after my political fences, it is on my business and not the Government's, and it should not pay me mileage for doing it. [Applause.] I have served in this House 10 years, nearly, and I have never known a time when public duty demanded I should travel to the extent of my mileage and I have not known it in the case of other Members, either.

Mr. BORLAND. I have, Mr. Chairman; I have not served a single session of this House without the necessity of returning to my district several times during the session.

Mr. SHERLEY. The gentleman has had more calls home than I have had. I can only speak from my own information.

Mr. BORLAND. And I want to say they are not wholly political calls, either; they are all commercial gatherings in the district of interest to my district and my constituents.

Mr. SHERLEY. I am willing to accept the gentleman's statement, but we have to judge from our own experience, and I am still of the opinion that what the gentleman states with regard to himself is an exception to the rule. I have seen more damage to the public service through nonattendance here than I have ever seen through lack of ability to go home because of a shortage in mileage.

Mr. CARTER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. CARTER. With regard to the question asked by the gentleman from North Carolina [Mr. PAGE], if this will not cause the appropriation to exceed the present appropriation, under the terms of the gentleman's amendment that would be an impossibility, because the appropriation of \$154,000 is the maximum.

Mr. SHERLEY. That is true; but I was answering not the technical question, but the real question that underlies it. There is no intention to increase mileage, but there is the intention to give to the Members the actual expenses that they incur.

Mr. TAGGART. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman from Kansas.

Mr. TAGGART. Does the gentleman have in mind that a few days ago this House practically voted \$25 per annum off of the salary of every Member of this House as a tax upon the salary of the Members of the House?

Mr. SHERLEY. The gentleman may consider that is a reason for keeping something that I do not think the membership is entitled to. But I can not believe that my obligation to pay, along with other citizens, a tax, entitled me to a mileage that otherwise I would not be entitled to.

Mr. TAGGART. Do you hold that it is an advantage to live at a distance from the Capital?

Mr. SHERLEY. I hold this as a fact, that there are Members of this House, by virtue of the distance that they live from the Capital and by virtue of the mileage that they thereby receive, that have an addition made to their salaries as Members that is not made to other Members of the House. I know the matter has been thrashed out about one's family and the moving

of the household, and all that. It applies in the same degree to a man who lives 600 miles as to the man who lives 3,000 miles away. One man gets a profit on 600 miles and the other gets a profit on 3,000 miles of travel. I do not want him to have a profit or loss on either. I want to pay him what he actually has to spend and nothing more or less.

Mr. CARTER. The gentleman provides here for the expenses of the members of his immediate family. I wanted to know what he considered as members of an immediate family.

Mr. SHERLEY. I would consider as members of the immediate family the wife and dependent children; if he had no wife and his mother kept house for him, in that instance his mother. There is no trouble in defining that. Men who want to be fair know what immediate members of the family mean.

Mr. SHARP. I hold in my hand here a picture of 12 children belonging to a gentleman—

Mr. SHERLEY. Yes; and I am willing to pay a little extra to that citizen, if a Member of Congress. There are some of us without that number, and we will help to bring the average down.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. SHERLEY] has expired.

Mr. FITZGERALD. Personally, I am indifferent as to what is done about the mileage. I have stated on other occasions that I receive \$92 a session, so that it is immaterial to me whether mileage be voted. The Committee on Appropriations, however, did not recommend any change in this mileage because of the experience of Members in connection with it in the past.

Since 1866 Members of Congress have received mileage at the rate of 20 cents a mile, and during the 13 years I have been in the House on numerous occasions efforts have been made to change the rate at which the mileage has been paid, and on every occasion the effort has failed. I am more interested, Mr. Chairman, in effecting some real, substantial reforms in the expenditures of public money than I am in engaging time and again in this fruitless debate. I know that some of the Members of the House are honestly of the opinion that the amount of mileage is too extravagant; that it is paid upon an erroneous basis; that it is paid in sums that can not be justified; and yet upon every occasion when the matter is debated the same arguments are repeated in favor of and against the proposition, and inevitably the House has voted to leave the mileage as it has been during all these years. I propose to vote to sustain the committee.

Mr. LEVER. How much will the saving amount to here?

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. This item is for mileage for the session of Congress which ordinarily under the law would commence next December?

Mr. FITZGERALD. Yes.

Mr. MANN. Does the gentleman think there will be any real occasion for using any of the money, according to present indications?

Mr. FITZGERALD. I am not interested—

Mr. MANN. Will not this session end on the 4th of next March?

Mr. FITZGERALD. I am not interested in that at this time.

Mr. MANN. I think the gentleman and all the rest of us are very much interested in it.

Mr. FITZGERALD. If the gentleman will not take up my time, it will hasten the adjournment of this Congress. The committee reported this appropriation in conformity with the law because time and again—and during this very Congress itself—the House has refused to change the rate at which mileage is paid.

Mr. Chairman, I know that this matter affects gentlemen differently. Perhaps I would receive more under the amendment of my colleague from Kentucky [Mr. SHERLEY] than I receive under the present law. I would be one of those who would be benefited by receiving the actual expenses of my family coming to and returning home from Washington. But the law has been this way since 1866, and Members have given innumerable reasons for the retention of the present amount of mileage. The Committee on Mileage, which has jurisdiction of the matter, has not reported any of the many bills pending before it for the purpose of effecting a change in the mileage paid.

I desire to say also that the country has acquiesced in the arguments advanced in favor of the present system, and we gain nothing by stirring it up and not accomplishing what is sought. So far as I am concerned, whether some Members receive more mileage than they should or not, I may say that many people think some Members receive more salary than

they should; but it is apparent that it is impossible to fix any system or any rule which will not work out inequalities. It may be argued that there is no reason for paying mileage to anyone except Members who bring their families. In that case Members like myself would have an advantage over those who are single.

The CHAIRMAN. The question is on the adoption of the substitute offered by the gentleman from Kentucky [Mr. SHERLEY].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. PAGE].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. PAGE. I ask for a division, Mr. Chairman.

Mr. FOSTER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 43, yeas 110.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Officer of the Speaker: Secretary to the Speaker, \$4,000; clerk to the Speaker's table, \$3,600, and for preparing Digest of the Rules, \$1,000 per annum; clerk to the Speaker, \$1,600; messenger to the Speaker, \$1,440; messenger to the Speaker's table, \$1,200 (transferred from Doorkeeper's office); in all, \$12,840.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the word "officer" and insert in lieu thereof the word "office," at the beginning of line 19, page 11.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

The Clerk read as follows:

Amend, line 19, page 11, by striking out the word "officer" and inserting in lieu thereof the word "office."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$6,500; hire of horse and wagon for use of the Clerk's office, \$900, or so much thereof as may be necessary; chief clerk, \$4,500; journal clerk, and two reading clerks, at \$4,000 each; disbursing clerk, \$3,400; tally clerk, \$3,300; file clerk, \$3,250; enrolling clerk, \$3,000; chief bill clerk, \$3,000 (House resolution May 9, 1911); assistant to chief clerk, and assistant enrolling clerk, at \$2,500 each; assistant disbursing clerk, \$2,400; stationery clerk, \$2,200; librarian, \$2,100; assistant file clerk, \$1,900; two assistant librarians, and one clerk, at \$1,800 each; three clerks, at \$1,680 each; bookkeeper, and assistant in disbursing office, at \$1,600 each; four assistants to chief bill clerk, at \$1,500 each (House resolution May 9, 1911); stenographer to clerk, \$1,400; locksmith, who shall be skilled in his trade, \$1,300; messenger in chief clerk's office, and assistant in stationery room, at \$1,200 each; messenger in file room, one messenger in disbursing office, and assistant in House library, at \$1,100 each; stenographer to chief bill clerk, \$1,000 (House resolution May 9, 1911); three telephone operators, at \$900 each, three telephone operators, at \$75 per month each from December 1, 1912, to March 31, 1913; night telephone operator, \$720; for services of a substitute telephone operator when required, at \$2.50 per day, \$200; two laborers in the bathroom, at \$900 each; two laborers, and page in enrolling room, at \$720 each; allowance to chief clerk for stenographic and typewriter services, \$1,000; in all, \$91,970.

Mr. GARNER. Mr. Chairman, I offer an amendment. I wish to call to the attention of the gentleman in charge of the bill the fact that I want to offer an amendment on page 12, line 25, to strike out "720" and insert in lieu thereof "900." I will state for the information of the committee—

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. GARNER].

The Clerk read as follows:

Page 12, line 25, strike out the figures "720" and insert in lieu thereof "900."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order on the amendment.

Mr. GARNER. Mr. Chairman, I will state for the information of the committee that during this session of Congress the Committee on Accounts have had occasion to go through and examine a great many, if not all, of the employees of the House. Some apparent injustices have come under our observation, and this is one of them. There are appropriated for in this bill three telephone operators, at \$900 each, and three telephone operators, at \$75 per month for the time they are employed, which is equal to \$900 a year.

In the same paragraph is an appropriation of \$720 for a telephone operator known as a night operator. We discovered, in going through these different offices, that this is the least desirable place appropriated for in the telephone service. In other words, the employee would prefer to have some of the places elsewhere appropriated for at the same salary, to the \$720 place. A night employee goes on at 4 o'clock in the after-

noon and stays until 12 o'clock midnight, and the fact having come under our observation, it was suggested in the committee that we call the matter to the attention of the Committee on Appropriations.

Mr. MANN. Why does not the gentleman propose to increase it?

Mr. GARNER. I was explaining the necessity of the change and for offering this amendment, inasmuch as the gentleman from New York [Mr. FITZGERALD] had made a point of order against it. Either the others ought to be appropriated for at \$720, or this one ought to be appropriated for at \$900 a year.

I simply call it to the attention of the committee, in order that they may consider the justness of increasing this salary. I do it at the suggestion of the Committee on Accounts, who would make this in order if it was submitted to them for that purpose.

Mr. MANN. Are these telephone operators women or men?

Mr. GARNER. They are all women.

Mr. MANN. The night operator?

Mr. GARNER. The night operator who looks after matters of the telephone service is a man, but the employees in the House of Representatives carried in these appropriations, I am informed, are all women.

Mr. MANN. This night operator carried in this appropriation is a woman?

Mr. GARNER. Yes.

Mr. MANN. What are her hours?

Mr. GARNER. From 4 o'clock in the afternoon until 11.30 or 12 o'clock at night, as the emergency may arise. I hope the gentleman from New York [Mr. FITZGERALD] will withdraw his point of order.

Mr. FITZGERALD. Mr. Chairman, I think this should be stated about the House organization: At the beginning of this Congress certain action was taken by which the organization of the House was fixed. The Committee on Appropriations had nothing to do with it and was not consulted about it. It has followed the action of the House in fixing the organization. If the committee itself had proposed to increase the compensation of employees of the House upon its own initiative, because convinced that some of them received insufficient compensation, the committee would be very severely criticized and Members would very greatly resent its action. The attention of the committee has not been called to this matter. We have been in session a year, during which this condition has existed. It seems to me that if any change is to be made toward increasing these compensations, it should be done in some other way than proposed here. I shall insist on the point of order.

Mr. GARNER. Mr. Chairman, if the gentleman is sincere, and I am sure he is, that the question ought to be left to the organization of the House, why does he not withdraw his point of order and let the committee pass on the propriety of increasing this salary?

I want to say, further, that I did speak with the chairman of the subcommittee, the gentleman from South Carolina [Mr. JOHNSON] about the matter in general conversation, in reference to the employees of the House, suggesting that some ought to be cut out, and that in this instance and one other instance the salaries ought to be equalized. This was while the subcommittee was considering the bill, and I will say to the gentleman from New York in all candor that he ought at least to give the committee an opportunity to vote on the propriety of equalizing these salaries.

Mr. FITZGERALD. May I ask the gentleman a question?

Mr. GARNER. Certainly.

Mr. FITZGERALD. The gentleman is a member of the Committee on Accounts, and if they considered it proper they could pass a resolution which would make this in order on the bill.

Mr. GARNER. I understand that, and the Committee on Accounts, I anticipate, would not have a dissenting vote against doing that. The only thing is, if this increase is not carried here for the next fiscal year it will have to come out of the contingent fund of the House.

Mr. BARTLETT. Until provided for by law.

Mr. GARNER. Until provided for by law.

Mr. BARTLETT. And if the gentleman's committee had passed the resolution heretofore he could have offered this amendment now, and it would have been in order on this bill.

Mr. GARNER. I understand that; but I will suggest to the gentleman from Georgia that if it is a desirable amendment the mere fact that it does not happen to be in order, it seems to me, ought not to be insisted upon in this particular case.

Mr. BARTLETT. I will say that I will vote for the gentleman's amendment if it is not held out of order.

Mr. GARNER. I can state for the Committee on Accounts—and the chairman of that committee is here to confirm what I

say—that the matter has been discussed in the Committee on Accounts, and that it met with no objection, and that the Committee on Accounts, who could give the Committee on Appropriations jurisdiction of it, are perfectly willing and anxious that it should be done. It does seem to me that the chairman of the Committee on Appropriations ought not to insist on his point of order.

Mr. FITZGERALD. Does the gentleman from Texas know how much similar night operators are paid here in Washington by the telephone company?

Mr. GARNER. I have not the slightest idea. I do not contend that the salary ought to be higher than it is, except that the salaries ought to be equalized; and if the gentleman does not think it ought to be \$900 he ought to cut the other salaries from \$900 to \$720, which is within his purview as chairman of the Committee on Appropriations.

Mr. FITZGERALD. If the gentleman wishes to test the sense of the House, he can offer that amendment.

Mr. GARNER. I suggest that if the gentleman wishes to test the sense of the House he can offer an amendment. I am pointing out the injustice done one operator in comparison with other operators just appropriated for.

Mr. FITZGERALD. The gentleman is mistaken; the business done by this operator is hardly enough to keep him awake. I insist on the point of order.

The CHAIRMAN. The gentleman from New York insists on the point of order. As the Chair understands, the salary is fixed by law.

Mr. FITZGERALD. It is the same sum as appropriated for in the current year, and that is the current law.

The CHAIRMAN. The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SAUNDERS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5930. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908; and S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Under Superintendent of the Capitol Building and Grounds: Chief engineer, \$1,900; 3 assistant engineers, at \$1,300 each; 24 conductors of elevators, including 14 for service in the House Office Building, at \$1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, \$1,300; electrician, \$1,200; 4 laborers, at \$800 each; in all, \$40,300.

Mr. HAMLIN. Mr. Chairman, I offer the following amendment: In line 6, page 13, strike out the word "three" and insert the word "four."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 6, strike out the word "three" and insert the word "four."

Mr. HAMLIN. Mr. Chairman, this adds one assistant engineer. I desire to call the attention of the committee to a condition that exists in this particular department; but before going into that I ask the Clerk to read a communication I have here bearing on this proposition from the Superintendent of the Capitol Building and Grounds.

The Clerk read as follows:

OFFICE OF SUPERINTENDENT OF UNITED STATES CAPITOL BUILDING AND GROUNDS, Washington, D. C.

Hon. C. W. HAMLIN.

DEAR JUDGE HAMLIN: It would be a blessing if we could have another assistant engineer.

Compare the table I send. You will see the Senate has 11 employees; the House 8; and the House work necessarily is heavier.

Sincerely,

ELLIOTT WOODS.

Heating and ventilating department—United States Senate.

Chief engineer	\$2,160
1 assistant engineer and electrician	1,800
1 assistant engineer	1,440
1 assistant engineer	1,440
1 assistant engineer	1,440
1 machinist and electrician	1,400
1 machinist and electrician	1,400
1 laborer	720
1 laborer	720
1 laborer	720
1 laborer	720

Heating and ventilating department—House of Representatives.

Chief engineer	\$1,900
1 assistant engineer	1,300
1 assistant engineer	1,300

1 assistant engineer	\$1,300
1 machinist	1,300
1 electrician	1,200
1 laborer	800
1 laborer	800

Mr. HAMLIN. Mr. Chairman, I would like to have the Clerk read another communication handed to me a few moments ago in relation to the same matter.

The Clerk read as follows:

OFFICE OF SUPERINTENDENT,
UNITED STATES CAPITOL BUILDING AND GROUNDS,
Washington, D. C. May 3, 1912.

Hon. C. W. HAMLIN,
House of Representatives.

DEAR SIR: Referring to your inquiry and to my former application to the House Committee on Appropriations for the increase in the engineering force, heating and ventilating department, House wing, I beg to say that I request one additional assistant engineer, who would be of particular service to us in connection with additional machinery which we have installed in the House wing, particularly with reference to refrigerating machinery installed for the benefit of the House restaurant, which will save the Government considerable money and the cost of ice. The Senate wing of the Capitol is provided with an engineering force consisting of one chief engineer at \$2,160 per annum and four assistant engineers, one at \$1,800 and three at \$1,440, whereas the House equipment consists of one chief engineer at \$1,900 and three assistant engineers at \$1,300.

As the House service is of necessity greater than that in the Senate wing, you can see that the request for the additional assistant engineer ought not to be unreasonable.

Very respectfully,

ELLIOTT WOODS,
Superintendent United States Capitol Building and Grounds.
By WELCH.

Mr. HAMLIN. Now, Mr. Chairman, I hope the gentleman from New York will not insist on his point of order, if it is, in fact, subject to a point of order.

Mr. MANN. It is not subject to a point of order.

Mr. HAMLIN. I hardly think it is myself.

Mr. FITZGERALD. We will discuss that later.

Mr. HAMLIN. I want to state to the committee that I hope gentlemen will hear me for a moment, because my cause is undoubtedly just.

Mr. MANN. Will the gentleman yield for one question?

Mr. HAMLIN. Certainly.

Mr. MANN. Was this matter presented to the Committee on Appropriations?

Mr. HAMLIN. It was presented to the Committee on Appropriations by myself, or to the chairman of the subcommittee that brought in this bill. The first communication that I had read was also presented to the chairman of the subcommittee in charge of this bill, and I understand that the superintendent appeared before the committee and told them, substantially, and probably a great deal more in extenso than he wrote to me, and which statement will appear in the hearings.

What I want the committee especially to consider is this: There is a gentleman employed now in that department who has been employed there about 29 years. He is very competent, and he is now rated as one of the laborers at a salary of \$800 per year. He shoveled coal there for twenty-odd years, but has become competent for the position of assistant engineer, and the superintendent informs me that it is necessary to use him frequently as an assistant engineer. The result is that while he is carried as a common laborer, and paid a salary of only \$800 a year, he in fact puts in his time doing the work and the service of an assistant engineer, and at other times on the elevator doing the work of a \$100 per month man.

[The time of Mr. HAMLIN having expired, by unanimous consent he was given five minutes more.]

You have heard the letters read from the superintendent, Mr. Woods, showing conclusively that this extra man is needed; and I appeal to this committee, in common fairness and justice, that this man who is competent to fill this position ought not to be compelled, as he now is compelled, to fill a position and do the work of a man who fills the position and gets a salary of \$1,300. Yet this man gets a salary of only \$800 a year.

Mr. MURDOCK. Will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. MURDOCK. Will this decrease the number of laborers?

Mr. HAMLIN. That is a question I asked the superintendent this morning, but I will not be certain as to his answer. I was in a great hurry, for I thought that this provision would be up in a moment and I wanted to be upon the floor. The impression I have is it will not require an extra laborer, but will only increase the cost to the Government about \$500 a year, as this man now draws \$800 as a laborer.

I may be wrong in this. There is no man more in favor of economy in expenditures than I am, but I am not such an economist that I want to do any man an injustice. This Government is able to pay for the services rendered to it, and no one ought to be required to render any service for which the Government does not pay.

Mr. FITZGERALD. Do I understand the gentleman to say that this is an increase of compensation of some man who is now doing work similar to other men?

Mr. HAMLIN. I said that a man is now being used to fill the position of assistant engineer, and he is doing the work of an assistant engineer, a position which pays \$1,300 a year, and is detailed frequently to the elevators, which pays a salary of \$1,200 a year, when they need a man there. He is, however, only getting the pay of a common laborer—\$800 a year. He is a competent man, and he has been in the service about 20 years, and has given his life to the work and understands it. I submit that it is not right to make him do this work which he does for \$800 a year.

Mr. MANN. Was this additional employee estimated for by the Superintendent of Capitol Buildings and Grounds?

Mr. HAMLIN. I have not seen the estimate, and I do not know.

Mr. MANN. Does the gentleman know what statement the superintendent made before the Committee on Appropriations on this subject?

Mr. HAMLIN. I know this—that the first statement I have had read here, that he very much needed this assistant engineer, was made to the Committee on Appropriations, because I presented it myself.

Mr. MANN. The Committee on Appropriations has its hearings printed. Did he appear before that committee?

Mr. FITZGERALD. He did not.

Mr. MANN. The hearings will show whether he appeared or not.

Mr. HAMLIN. I would like to be corrected if I am wrong. I can not be corrected in the statement which I have made, because my statement is correct. The superintendent told me that he did. If he did not, I would like to be corrected.

Mr. AUSTIN. The gentleman went before the committee?

Mr. HAMLIN. I did.

Mr. MANN. When was the gentleman before the committee?

Mr. HAMLIN. Several months ago.

Mr. MANN. The letter just read is dated May 3.

Mr. MURDOCK. The gentleman presented two letters.

Mr. HAMLIN. One of them is not dated.

Mr. AUSTIN. The last letter read was dated to-day.

Mr. HAMLIN. And written to-day; but the letter I had before the Committee on Appropriations and the one I had first read was written perhaps a month and a half ago.

Mr. MANN. I do not believe that any committee of the House or anybody else will pay any attention to a letter dated like that. A letter that is of any value is dated to-day.

Mr. HAMLIN. I will ask the gentleman from South Carolina, who is in charge of the bill, if Mr. Woods was not before his committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Missouri be extended for two minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Missouri be extended for two minutes. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would say that when the gentleman from Missouri forwarded to me the letter from Mr. Woods, on the first occasion I had I asked Mr. Woods about the matter, and he said to me personally that it was a very meritorious case. He came before the committee and proposed a reorganization scheme of the force under him.

Mr. FITZGERALD. That is, his office force?

Mr. JOHNSON of South Carolina. His office force; but at that time he talked about this other matter, and we finally decided to write the matter into the appropriation bill as it is for the present year, and we made no changes in regard to his office force or any other force. He did say that this was a very meritorious case.

Mr. HAMLIN. Mr. Chairman, I did not forward to the gentleman from South Carolina any communication, but presented Supt. Woods's letter in person. I know that Supt. Woods told me he had been before the committee, but that does not meet the proposition that I am urging upon this House. We are confronted with this actual condition. He needs this extra man. He says that he is actually using this man who is carried on the rolls at \$800 per year to serve sometimes as assistant engineer and sometimes as elevator man. The salary is not sufficient to meet this man's actual expenses, he tells me, and I have no doubt that what he says is true. And he is compelled to do the work of a man at \$1,300 a year, and if this man is doing this work he is entitled to the salary of the position.

A MEMBER. What is his name?

Mr. HAMLIN. Sheely. I believe we ought to do common justice to everybody. If the man is not required to do the work, then I do not ask for this increase, but if he is required to do the work he ought to have the pay. He says he does it, Supt. Woods says he does it, and some of you have ridden with him on the elevator, and he is doing the work of a man who is getting \$1,300, whereas he only gets \$800. He does the work of an assistant engineer and he is doing it almost every day of the year. So I only ask as a matter of common justice that this increase be made. I believe his work as an assistant engineer entitles him to more; Supt. Woods says so, and I think our experience is Supt. Woods does not ask for anything he does not think he needs, and I believe the amendment ought to be adopted and this extra assistant engineer granted to this department.

Mr. FITZGERALD. Mr. Chairman, nobody in this House has greater confidence in Mr. Woods than I have. It is my experience on the Committee on Appropriations that his requests for mechanical assistants have been met in a very generous spirit by that committee. Mr. Woods did not estimate for this assistant engineer. He made no formal application for the place. When he appeared before the committee in connection with the reorganization of his office force he was asked by the gentleman from South Carolina about a letter which he had written to Mr. HAMLIN and which Mr. HAMLIN had brought to the committee. It is a very poor method to be adopted for any committee appropriating for the public service—

Mr. HAMLIN. Will the gentleman yield?

Mr. FITZGERALD. In one moment—to adopt a suggestion in that informal way. If the Superintendent of the Capitol Building and Grounds considers that some particular official is essential to the proper conduct and management of the service about the Capitol he should apply for it properly and in a formal manner and let his request be considered. He should not be importuned by Members for any reason to write letters for some particular individual which may be used as a lever to have their compensation increased. If he needs an assistant engineer so that this man may be promoted he evidently does not need the laborer who is doing the work of the assistant engineer, and no force about this Capitol can be properly kept in control unless a proper inquiry be made when these applications are submitted.

Mr. HAMLIN. I hope the gentleman will not think that anything I have said intended any criticism of the action of the committee. I am satisfied if the gentleman understood the situation—

Mr. FITZGERALD. Perhaps the gentleman has not understood me. I endeavored mildly to criticize the method followed in attempting to have this compensation increased.

Mr. HAMLIN. I will say furthermore to the gentleman that he hardly does me justice when he intimates I have been importuning the Superintendent of Capitol Building and Grounds to write these letters. That is not accurate.

Mr. FITZGERALD. Well, I did not—

Mr. HAMLIN. I became interested in this man because I happened to know him, and I happened to know what he was doing. I saw Supt. Woods and asked if it were true that this man was rendering this service and only drawing this salary, and he said it was true, and that he needed him and had to have him, because he did not have enough others, and he appealed to me as a matter of common justice. I asked him about this, and he said, "I will go before the committee"—

Mr. FITZGERALD. Well—

Mr. HAMLIN. If that is importuning, then I am glad of it, and I am not ashamed of it.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. MANN. Has the gentleman ever introduced a resolution or appeared before the Committee on Accounts for the purpose of having this salary increased?

Mr. HAMLIN. I have not.

Mr. MANN. Why does not the gentleman pursue the ordinary course?

Mr. HAMLIN. Simply because, I will state frankly to the gentleman, that until yesterday I had an impression that the item was carried in the appropriation bill.

Mr. MANN. The Committee on Accounts would have jurisdiction.

Mr. HAMLIN. I have always had some doubt about that. I have had some doubt about the Committee on Accounts having jurisdiction of this proposition.

Mr. MANN. Of course they have jurisdiction.

Mr. HAMLIN. And I will say there is no doubt about the Appropriations Committee having jurisdiction to increase the

salary, and I applied to the committee that did have jurisdiction, and thought until yesterday it was in the bill.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. CANNON. Mr. Chairman, I ask that the gentleman's time be extended for five minutes; I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CANNON. The gentleman from Illinois asked the gentleman why he did not apply to the Committee on Accounts. The gentleman has heard of asking for bread and getting a stone, I apprehend?

Mr. HAMLIN. Yes.

Mr. GARNER. Will the gentleman yield? Did the gentleman from Illinois ever ask for bread and get a stone?

Mr. HAMLIN. He has given it.

Mr. GARNER. Very often, I guess, as a member of the Committee on Appropriations.

Mr. CANNON. I have had, if the gentleman will allow me, some such experience under certain conditions; that is not the rule in this case.

Mr. HAMLIN. There is no doubt the man I am pleading for here to-day is asking for bread and getting a stone. And I believe that this committee, in all fairness to this man, will increase this salary.

Mr. FITZGERALD. I insist on the point of order.

Mr. LEVER. Mr. Chairman, I would like to be heard on the point of order.

Mr. Chairman, it has been held frequently by the Chair that where a salary is provided by law a proposition of increasing the number of men drawing the salary under that authorization is not subject to a point of order. I do not have within my hand's reach the precedent for that proposition, but I remember very distinctly in the consideration of the agricultural appropriation bill recently that this very question was considered, and it was held that where there was authorization for the employment of officials or employees within a given class the point of order did not lie against the proposition to increase the number of employees in that class. If the Chair will refer to the decisions rendered by the Chairman of the Committee of the Whole House on the state of the Union which had under consideration the agricultural appropriation bill this year, he will find that ruling was made repeatedly in the consideration of the bill.

Mr. FITZGERALD. I was going to ask whether the gentleman was referring to the rulings on the agricultural bill?

Mr. LEVER. The agricultural appropriation bill is the biggest bill that comes to this House. It is even bigger than the bill that comes from the Appropriations Committee, because it reaches more people and does more good, and the rulings made on that bill are more carefully made than the rulings on any other bill in the Committee of the Whole House on the state of the Union. The gentleman does not deny my primary proposition?

Mr. FITZGERALD. Yes, I deny it; because the gentleman understands the basis on which the ruling was made. Under the organic act relating to the Department of Agriculture it was held under that law that it was in order. There is no such law whatever governing the employees under the Superintendent of the Capitol Building and Grounds. Under the rulings, if the gentleman insists that this is in order, he must produce the law upon which he bases his contention.

Mr. LEVER. There is this about it. The gentleman from New York [Mr. FITZGERALD], one of the parliamentary sharks of the House, and one of the gentlemen on the other side, who is also a parliamentary shark of the House, differ on this proposition, and little fish like myself can very well afford to stand aside, but I know what happened on the agricultural bill on this proposition.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling.

The CHAIRMAN (Mr. JACOWAY). The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Clerks, messengers, and janitors to committees: Clerk to the Committee on Accounts, \$2,500, assistant clerk, \$1,800, janitor, \$1,000; clerk to the Committee on Agriculture, \$2,500, assistant clerk, \$1,800, janitor, \$1,000; clerk to the Committee on Appropriations, \$4,000, and \$1,000 additional while the office is held by the present incumbent, assistant clerk and stenographer, \$2,500, assistant clerk, \$1,900, janitor, \$1,000; clerk to the Committee on Banking and Currency, \$2,000, assistant clerk, \$1,200, janitor, \$720; clerk to the Committee on the Census, \$2,000, janitor, \$720; clerk to the Committee on Claims, \$2,500, assistant clerk, \$1,200, janitor, \$720; clerk to the Committee on Coinage, Weights, and Measures, \$2,000, janitor, \$720; clerk to the Committee on the District of Columbia, \$2,500, assistant clerk, \$1,800, janitor, \$720; clerk to the Committee on Elections No. 1, \$2,000, janitor,

\$1,000; clerk to the Committee on Elections No. 2, \$2,000, janitor, \$720; clerk to the Committee on Elections No. 3, \$2,000, janitor, \$720; clerk to the Committee on Enrolled Bills, \$2,000, janitor, \$720; clerk to the Committee on Foreign Affairs, \$2,500, assistant clerk, \$1,800, janitor, \$720; clerk to the Committee on Immigration and Naturalization, \$2,000, janitor, \$720; clerk to the Committee on Indian Affairs, \$2,500, assistant clerk, \$1,800, janitor, \$720; clerk to the Committee on Industrial Arts and Expositions, \$2,000, janitor, \$720; clerk to the Committee on Insular Affairs, \$2,000, janitor, \$720; clerk to the Committee on Interstate and Foreign Commerce, \$2,500, additional clerk, \$2,000, assistant clerk, \$1,500, janitor, \$1,000; clerk to the Committee on Irrigation of Arid Lands, \$2,000, janitor, \$720; clerk to the Committee on Invalid Pensions, \$2,500, stenographer, \$2,190, assistant clerk, \$2,000, janitor, \$1,000; clerk to the Committee on the Judiciary, \$2,500, assistant clerk, \$1,600, janitor, \$720; clerk to the Committee on Labor, \$2,000, janitor, \$720; clerk to the Committee on the Library, \$2,000, janitor, \$720; clerk to the Committee on Merchant Marine and Fisheries, \$2,000, janitor, \$720; clerk to the Committee on Military Affairs, \$2,500, assistant clerk, \$1,500, janitor, \$1,000; clerk to the Committee on Naval Affairs, \$2,400, assistant clerk, \$1,500, janitor, \$1,000; clerk to the Committee on Patents, \$2,900, janitor, \$720; clerk to the Committee on Pensions, \$2,500, assistant clerk, \$1,600, janitor, \$720; clerk to the Committee on Post Offices and Post Roads, \$2,500, assistant clerk, \$1,400, janitor, \$1,000; clerk to the Committee on Printing, \$2,000, janitor, \$1,000; clerk to the Committee on Public Buildings and Grounds, \$2,500, assistant clerk, \$1,200, janitor, \$720; clerk to the Committee on Public Lands, \$2,000, assistant clerk, \$1,200, janitor, \$720; clerk to the Committee on Revision of the Laws, \$2,000, janitor, \$720; clerk to the Committee on Rivers and Harbors, \$2,500, assistant clerk, \$1,800, janitor, \$1,000; clerk to the Committee on Rules, \$2,000, janitor, \$720; clerk to the Committee on Territories, \$2,000, janitor, \$720; clerk to the Committee on War Claims, \$2,500, clerk to continue Digest of Claims under resolution of March 7, 1888, \$2,500, assistant clerk, \$1,200, janitor, \$720; clerk to the Committee on Ways and Means, \$3,000, assistant clerk and stenographer, \$2,000, assistant clerk, \$1,900, janitor, \$1,000, janitor, \$720; in all, \$162,230.

Mr. LAFFERTY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, insert after line 24 the following:
"Clerk to the Committee on Mileage, \$500."

Mr. JOHNSON of South Carolina. I make a point of order on that, but if the gentleman wants to be heard I will reserve it.

Mr. LAFFERTY. I would like to be heard. The clerk to the Committee on Mileage during the last session and so far during this session has served without compensation. He performed a great deal of work in going over the railroad guides and figuring up the amount of mileage that was justly due the several Members. His work resulted in a saving of about \$2,500 as compared with the mileage accounts of previous years. I may say that he fixed my mileage at \$35 less than was allowed to my predecessor. The clerk's name is Robert C. Collins. He is clerk to the gentleman from Pennsylvania [Mr. LEE], chairman of the Committee on Mileage. I am a member of the committee myself, and several members of that committee have requested me to offer this amendment to give the young man some compensation during the coming year.

Mr. MURDOCK. Will the gentleman yield?

Mr. LAFFERTY. Yes.

Mr. MURDOCK. My impression is that this work was formerly done by a clerk in the Sergeant at Arms' office, and that he was paid for it. My understanding is that formerly he was paid.

Mr. LAFFERTY. I understand that is true.

Mr. JOHNSON of South Carolina. I would like to ask the gentleman what possible labors can devolve on the Committee on Mileage during the short session of the Sixty-second Congress? We have all been elected, our mileage has been adjusted, and there is no work to do.

Mr. LAFFERTY. It is true that in equity this appropriation of \$500 for the coming year for the clerk would, to my way of viewing it, be compensation for work largely already done and for which he has received no pay.

But it is also true that this clerk will have considerable work to do in the coming year. I have been in the office of the Committee on Mileage, while the mileage list was being made up, and heard him answer the telephone four or five times in the course of an hour in response to inquiries from Members and others wanting to know about questions of mileage. He is a veritable bureau of information on that subject, and he has performed a great deal of labor during the past year. We are going to have other meetings of that committee. We have bills pending before the Committee on Mileage, and I do not think the clerk ought to be expected to serve for nothing. I think \$500 would be the least we could justly offer him for the two years' service he will perform.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oregon yield to the gentleman from Illinois?

Mr. LAFFERTY. Yes; I shall be glad to do so.

Mr. MANN. The gentleman perhaps is not familiar with the practice in the past in reference to matters of this kind. The

practice has been that in the closing days of a session of Congress cases that are really meritorious, wherever there are such, are taken care of by the Committee on Accounts.

Mr. LAFFERTY. Well, that being the case, I shall not insist upon my amendment.

Mr. MANN. That is the only way it has been done.

Mr. LAFFERTY. If the Committee on Accounts will take this matter up and allow it, if it is meritorious, I will not press my amendment now.

Mr. GARNER. Mr. Chairman, as a member of the Committee on Accounts I could not undertake to speak for the committee; I can speak only for myself. But—

Mr. MANN. That is the practice of the House.

Mr. GARNER. Yes. This is for compensation for work already done. Now, if the clerk of the Committee on Mileage can come before the Committee on Accounts and make an equitable showing, I feel sure that the committee will give him a fair hearing, and if it is shown that he is entitled to this compensation the Committee on Accounts will doubtless recommend it.

Mr. MANN. The appropriation for mileage this year is \$154,000. The mileage that has actually been paid at this session is a little over \$151,000. How much has been saved by this gentleman's computation I do not know; whether the \$154,000 would have all been spent without him I do not know.

Mr. LAFFERTY. Mr. Chairman, in view of what has been said, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] asks unanimous consent to be permitted to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish to call the attention of the gentleman in charge of the committee to page 14, line 3, which provides for a janitor, at \$1,000, for the Committee on Elections No. 1. I want to know why there should be any difference in the pay of the janitors of these three Committees on Elections, Nos. 1, 2, and 3.

Mr. MANN. Mr. Chairman, I think I can give a better explanation of that than can the gentleman from South Carolina [Mr. JOHNSON], although I am not interested. Formerly there was one Committee on Elections. Before I came to the House that committee was subdivided into three committees. While it was still one committee it was provided with a clerk and a janitor, and when the committee was subdivided into three committees the clerk and the janitor remained with the Committee on Elections No. 1. In the course of time, when the gentleman from New York [Mr. DRISCOLL] was chairman of one of the Committees on Elections, and I was chairman of the Committee on Elections No. 1, janitors and clerks were allowed to the other Committees on Elections.

I think I have the most efficient janitor and messenger around this Capitol, and, without any request from me, because of the service which he was performing, which came under notice of the clerk to the Committee on Accounts, the Committee on Accounts at one time, in reporting a resolution, provided for the increase of salary of my janitor from \$720 to \$1,000—a salary which he never received, because immediately thereafter I became chairman of the Committee on Interstate and Foreign Commerce, and the man who succeeded my janitor in the Committee on Elections No. 1 got the increased salary. Thereupon, I may say modestly, I proceeded to get the salary of the janitor to the Committee on Interstate and Foreign Commerce raised to \$1,000, where it is now.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. MANN. Yes.

Mr. FITZGERALD. That compensation was raised in the days when they raised the compensation not only of those who asked to have it raised but those who did not? [Laughter.]

Mr. MANN. No. There are times when people take notice of the merit or modesty of the people who serve them; and in this case the House of Representatives took notice of the merits of my modest janitor, who, so far as efficiency is concerned, I will put up against the clerk of almost any committee of the House.

Mr. GARNER. No; they took notice of the modesty of the gentleman from Illinois, not the modesty of his janitor. [Laughter.]

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I move to strike out "\$1,000" and insert "\$720," on page 14, line 13.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

The Clerk read as follows:

On page 14, line 13, strike out the figures "1,000," and insert in lieu thereof "720."

Mr. MICHAEL E. DRISCOLL. Now, Mr. Chairman, I am not very touchy about the salaries, but I wish to say this, that so far as I have ever heard there is no difference in the work done by the Committees on Elections Nos. 1, 2, and 3. The contested-election cases are divided up by the Speaker among those three committees as fairly and equitably with regard to work as may be. The janitors certainly have not much to do with the work that is done before any of these committees, and I do not think anybody complains that the janitors of any of the committees are not getting all they are earning, because none of them are working very hard. Now, where there are three committees of absolutely equal rank in all respects, doing the same kind of work in every particular, the janitors or messengers doing the same kind of work in all respects and not very much of it, it is not quite fair that one should get \$1,000 and the other should get \$720. Therefore, since I am not in favor of raising salaries and am in accord with the committee in this respect, and since \$720 is ample pay for any man who acts as a janitor or messenger for any of these committees, it strikes me that a man who is getting \$1,000 ought to be reduced to the level of the other two who get \$720 each, and that the amendment ought to prevail.

Mr. MANN. Mr. Chairman, just a word. I do not know who this employee is, but many people have the idea that a janitor is a mere janitor to take care of the committee room. Many years ago the House used to provide messengers as well as janitors. Finally it commenced to use the language "janitor," and some of the janitors are mere janitors. Some of them are employees who do that work. I never have had a janitor who was a mere janitor. I have had a janitor who was not only a janitor but a messenger and a clerk, an employee who did efficient service. Now, this man, whoever he may be, has been employed by the chairman of that committee at a salary fixed at \$1,000—brought here at that salary—and it seems to me that in all fairness to him he ought to be permitted to draw the salary during the term of this Congress.

Mr. MICHAEL E. DRISCOLL. I will admit that while the gentleman from Illinois [Mr. MANN] was chairman of that committee he worked very hard himself, harder I think than any other man in this House, and he probably made his clerks and messenger or janitor work; but without any reflection on the present chairmen of the committees, it can not be claimed by any reasonable man that one of these committees now does any more work than either of the other two, and I do not think the gentleman from Illinois will claim that Committee No. 1 has now any more cases or any more work to do than either Committee No. 2 or Committee No. 3, and I do not think he will claim here that the janitor to Committee No. 1 is required to do any greater or any more arduous or any higher class of work than the janitors to Committees 2 and 3. Therefore there should not be this discrimination between them.

Mr. MANN. I do not undertake to say what services the janitors of any of the committees are performing. I know that at this session of Congress Committee on Elections No. 1 has had a good deal of work to do. Possibly the other committees have had. I am not interested in the question, but when we have given authority to employ a man at a salary, in fairness to the man we ought to do as we do in private life, keep him during the term for which he supposed he was employed and for which we supposed he was employed.

Mr. JOHNSON of South Carolina. Mr. Chairman, before the Congress met a committee appointed by the Ways and Means Committee examined all the officials of this House. They determined that certain officers were useless, and that certain salaries ought to be reduced. We have carried out the resolution reported by that committee. The Committee on Appropriations does not know who this janitor is, but whoever he is, he was appointed at a salary fixed at \$1,000. He has been brought here from his home with the expectation of receiving that salary. The Committee on Appropriations have not felt justified in changing it. I hope that the amendment will be voted down.

Mr. BARTLETT. Mr. Chairman, I am opposed to this amendment. I happen to have been a member of the Committee on Elections No. 1 in my first service in this House. When I came here there was only one committee to consider election cases, known as the Committee on Privileges and Elections. There were then pending 41 contested cases, and in order to expedite the hearings of those cases, at the suggestion of Speaker Reed, the committee was divided into three committees, known as Committees on Elections Nos. 1, 2, and 3, with the positive statement made that those committees were not to be continued

any longer than the exigencies of that particular session required.

But having created the committee, having created the chairmanship, having created the clerks, and there being no suggestion from either side of the House that the useless division of the Committee on Elections should be discontinued, they have been continued. The reason the janitor for Committee on Elections No. 1 receives \$1,000 is that the old Committee on Privileges and Elections had a janitor at a salary of \$1,000, and he was assigned to Committee No. 1.

The truth about the whole business is that there is no necessity for three Committees on Elections, because, as I understand, for the last 8 or 10 years there has been no contests to apportion more than one or two to each committee. But the Committee on Elections No. 1 has had a janitor at \$1,000 a year; it has been appropriated for year after year and the janitor has been appointed under the understanding that that salary was to continue.

Mr. GARRETT. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. GARRETT. I ask the gentleman if he does not think, as a matter of fact, that all Committees on Elections should be abolished; that there ought not to be any standing Committee on Elections? It is not a legislative committee.

Mr. BARTLETT. When the committees were organized it was the Committee on Privileges and Elections, and I think the old committee ought to be restored and this division of Committees on Elections be done away with. The understanding was, and the statement was made on the floor of the House by Speaker Reed, at the time the resolution dividing up the Committee on Privileges and Elections was agreed to, that it was only for the fact that in the Fifty-fourth Congress there were 41 election cases and one committee could not dispose of all the cases in time to have a hearing before that Congress expired. Nobody who voted for or against the proposition thought that these three committees were to continue during all time.

Now, replying to my friend from Tennessee, I say that I recall what I have stated with reference to the time when these committees were created, and I certainly had expected that when the Democrats got control of the House, carrying out their—I will not say expected or pretended plan of reduction of expenses—but their proclaimed plan of reduction of expenses, that these useless committees would be dispensed with.

Reference has been made by the gentleman from South Carolina about carrying out the policy suggested in the beginning of this Congress by the committee appointed from the Committee on Ways and Means to reduce the officers of the House. I remember with what éclat it was proclaimed that the House had saved \$187,000 a year by the reduction of its own force. The report of this committee shows that all we can do, that all we have been able to save in the expenses of the Government by reduction of the officers of the House is \$92,280. So we have not been able to come up to the expectation of the Democratic caucus by at least 50 per cent. I am sorry that we have not been able to do it.

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. JOHNSON of South Carolina. I want to say that the \$180,000 was based upon the reduction in the officers of the House and the extra month's pay.

Mr. BARTLETT. No; it was said that we had cut off of our own force that amount and that we started our economy program in our own House. The truth about it is it had not been inquired into, and they have found out since they made the reductions that it was necessary, in order to carry on the business of the House, to reinstate, by resolutions from the Committee on Accounts, some of these officers or like places that had been abolished.

I do not think that this janitor's salary ought to be reduced. I think we ought to permit it to stand where it is and where it has been for years. I do think we ought not to have three Committees on Elections when one committee can abundantly dispose of the business it has and have ample time and leisure for the balance of the session.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. MICHAEL E. DRISCOLL. How many years has this salary been at \$1,000?

Mr. BARTLETT. I can not say.

Mr. MICHAEL E. DRISCOLL. Only one year?

Mr. MANN. The salary took effect, I think, two years ago last July.

Mr. BARTLETT. I think the gentleman from Illinois is mistaken.

Mr. MICHAEL E. DRISCOLL. Originally, the janitors' salaries were all the same.

Mr. MANN. Originally, there was only one janitor, and he was for Committee on Elections No. 1.

Mr. BARTLETT. Now, Mr. Chairman, I am in favor of economy; I am in favor of reducing expenditures—

Mr. MICHAEL E. DRISCOLL. Then commence right here.

Mr. BARTLETT. Oh, I would commence at places that the gentleman would not begin at; I would vote against the proposition of taking forty-two or seventy-five million dollars out of the Treasury in order to pay service pension bills. I want to reduce expenditures, not by striking off a few dollars from the salary of employees of the House and reducing the means afforded to the Members of the House to discharge their official duties, which does not amount to anything, but by voting against these increased appropriations, which take millions out of the Treasury. I do not seek to economize by simply striking a few dollars off from the salary of a janitor to a committee. [Applause.]

Mr. HAMLIN. Mr. Chairman, I am in favor of this amendment, and I know nothing about this janitor, but I only want to make this observation. I can not quite harmonize the idea of members of the committee who are in favor of such rigid economy and yet are not willing to agree to an amendment to equalize the salaries of men engaged in the same work exactly, simply for no other reason than it has been at this figure for a couple of years and ought not now to be disturbed. A few moments ago when I presented to the committee a proposition that ought to have appealed to everybody in justice to a man who is rendering actual service for inadequate pay, the proposition was defeated on the point of order made by the chairman of the Committee on Appropriations. Here we are confronted with this proposition. A janitor for one of the Elections Committees, Elections Committee No. 1, having no more business than the Elections Committee No. 2 or Elections Committee No. 3, and yet the janitors of those other two committees, doing the same kind of work, are getting \$720 a year each, and this man is getting \$1,000. There are five other committees of this House that are being served by one janitor alone who takes care of the office of all five of the committees, carries the mail, and gets only \$720 during the time Congress is in session. Now, it seems to me, we ought not to be so particular and stickle so closely on a report that may have been brought by the Appropriations Committee that we are not willing to equalize these things and treat men fairly. If this man is entitled to \$1,000 per year, the men doing like work are entitled to the same amount. If these others are entitled to only \$720, then this man is only entitled to \$720, I care not who he is and I do not know who he is. What are we for if it is not to do justice to all the employees in the service of this House and under the jurisdiction of this House?

Mr. GARRETT. If the gentleman will permit me. Like the gentleman, I do not know who the janitor is and I do not care very much about it, but this idea occurs to me, that that janitor came here and accepted employment at that salary and it would amount to a breach of contract almost to reduce that salary during the time for which he was appointed.

Mr. HAMLIN. That janitor came here and accepted the employment with the understanding he might be discharged at the end of any month. We have a right to discharge him, and the bill provides these janitors may be discharged at any time, and any man who accepts appointment here comes with the understanding that his salary may be increased or it may be reduced at any time, and I do not think it is any good reason why this salary should be paid for next year. He is getting \$1,000 this year and we can not change that, and if we use that as an argument why he must have it next year, the same argument will prevail when we come to appropriate for the year 1914.

Mr. GARRETT. It looks to me as if the salary ought to be changed in advance of the man's accepting the appointment.

Mr. HAMLIN. When are you going to get it reduced if you do not do it now? If you wait until next year you will then say it is \$1,000 this year and ought to be \$1,000 next year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman may have two minutes additional.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri may have two minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I understood the gentleman's position a few moments ago was that he was in favor of increasing a salary from \$800 to \$1,200 on the ground that \$800 was not sufficient. Now he is in favor of decreasing the salary from \$1,000 to \$720 on the ground that \$720 is sufficient.

Mr. HAMLIN. No; unfortunately, the gentleman did not understand my position.

Mr. MANN. What is the gentleman's position?

Mr. HAMLIN. I am not saying \$1,000 is too much. Maybe these other janitors ought to have their salaries raised to \$1,000, but it is manifestly wrong—three men working side by side and doing the same work for the same kind of committees—to give two \$720 each and the other \$1,000. I plead with you—

Mr. MANN. But the gentleman is assuming they are doing the same work.

Mr. HAMLIN. I have a right to assume they are doing the same work. They are exactly in the same business, looking after the Elections Committees, with equal jurisdiction.

Mr. MANN. The gentleman may say the same thing about all committees.

Mr. MICHAEL E. DRISCOLL. Nobody claims that this fellow does any more work than the others.

Mr. HAMLIN. They are doing the same work, and nobody claims, as my friend from New York suggests, that he is doing any more work than any of the other janitors of these Election Committees. All I am asking is to treat these people fairly. I do not know any of them, but I say it is wrong to pay some \$720 a year, and, as I said a while ago, some janitors caring for five committees at \$720 a year and give this one man \$1,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this amendment close in three minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on this amendment close in three minutes.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. The committee inquired into the compensation being paid to the janitors of the Elections Committees, and it was of the opinion that the compensation should be the same in each instance. It was ascertained, however, that the janitor had been appointed to this committee at the compensation of \$1,000. He was selected because he was a man who could be obtained for \$1,000, upon the expectation that he would be continued during this Congress. The Committee on Appropriations did not believe it would be performing a great public service or contributing anything to economy in the public expenditure to reduce a man to \$720 in order to have his compensation fixed on the same basis as that paid to some other person.

I know that the gentleman from New York [Mr. MICHAEL E. DRISCOLL], who has proposed this amendment, served in the last Congress as chairman of the Committee on Elections No. 3, and he appointed a janitor at \$720 a year. I suppose he appointed the kind of a man he could get for \$720 a year. If the compensation had been \$1,000 a year he perhaps would have gotten a better man, and perhaps would have been able to have rendered better service to the House. The fact is, all these men are not janitors in the way the word "janitor" is understood. They are to assist the man who is chairman of the committee in the necessary clerical services he requires, and it depends very much on the type of man who is chairman of the committee as to whether he needs any clerk or whether any number of clerks will enable him to do any work properly devolving upon him.

Mr. HAMLIN. Then, if that is true, why not increase the salary of the janitors of the other two election committees to \$1,000?

Mr. FITZGERALD. Because it appears there is no necessity for such increase. They were appointed on the understanding that they would receive \$720. The gentleman from Illinois [Mr. MANN] has pointed out the inconsistency to the gentleman from Missouri. He complained because some present employee here, receiving \$800, was not paid sufficiently. He singles out a poor janitor and proposes to reduce his salary \$280 in the belief that he is accomplishing some public good.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Let us have a vote, Mr. Chairman.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

The question was taken, and the amendment was rejected.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I offer the following amendment:

On page 14, line 4, strike out the figures "720" and insert in their place the figures "1,000"; and on the same page, line 6, change both of the items of "720" to "1,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 4, strike out the figures "720" and insert "1,000"; and in line 7 strike out the figures "720" and insert the figures "1,000."

Mr. JOHNSON of South Carolina. I make a point of order against that.

Mr. MANN. I would like to have the amendment correctly reported.

The CHAIRMAN. The Chair did not hear the gentleman from Illinois.

Mr. MANN. The amendment was not correctly reported. The Clerk read the wrong line.

The CHAIRMAN. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] will please restate the amendment.

Mr. MICHAEL E. DRISCOLL. The second part of the amendment is:

Line 6, page 14, strike out "720" and insert in place thereof "1,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 6, strike out "720" and insert "1,000."

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, I make a point of order against that. We have been discussing it 20 minutes.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that it is not in compliance with existing law and not in conformity with clause 2 of Rule XXI, and therefore sustains the point of order.

The Clerk read as follows:

For six clerks to committees, at \$6 each per day during the session, \$4,320.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 16, strike out lines 4 and 5, and insert in lieu thereof the following:

"For nine clerks to committees, at \$125 per month each during the session, \$4,500."

Mr. LEVER. Mr. Chairman, I offer the following as an amendment to the amendment.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. JOHNSON] yield the floor for that purpose?

Mr. JOHNSON of South Carolina. Mr. Chairman, I supposed I had the floor.

The CHAIRMAN. The Chair asked the gentleman if he yielded for that purpose?

Mr. JOHNSON of South Carolina. Mr. Chairman—

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] has the floor.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield to my colleague [Mr. LEVER].

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Page 16, line 4, strike out the word "six" and insert the word "nine."

Mr. FITZGERALD. I suggest that amendment is not in order at this time. The gentleman from South Carolina [Mr. JOHNSON] moves to strike out the two lines.

The CHAIRMAN. The Chair sustains the point of order.

Mr. JOHNSON of South Carolina. I move to strike out "six" and insert "nine."

The CHAIRMAN. The Chair sustains the point of order. The amendment now pending before the committee is the amendment offered by the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON of South Carolina. This amendment is in order to provide nine session clerks at \$125 per month. There are nine committees that are not provided with annual clerks. These session clerks have been receiving heretofore \$6 a day. The committee brought in a proposition to appoint six clerks at \$6 per day during the session. The chairmen of the committees affected by this legislation suggested that we change it from six to nine and that they would be satisfied with that amendment; and, believing that that was what the gentlemen wanted, I introduced this amendment.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. LEVER. I will say to my colleague that on this proposition, as one of the chairmen of those nine committees, I was not consulted and I never heard of it until I saw it in the bill.

Mr. ROTHERMEL. What committees are they?

Mr. JOHNSON of South Carolina. There are nine committees. I did not recall the names of them all. Alcoholic Liquor Traffic is one of them.

Mr. LEVER. Mr. Chairman, if my colleague will yield, I have eight committees here—Alcoholic Liquor Traffic; Education; Election of President, Vice President, and Members of

Congress; Enrolled Bills; Mines and Mining; Railways and Canals; Reform in the Civil Service; and Disposition of Useless Papers. There is one other which I do not recall. All those are involved in this proposition.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, we brought in this amendment in order to give all these committees clerks at \$125 per month each.

Mr. FOSTER. This cutting of the clerks' salaries from \$6 a day to \$125 per month of course affects the committee of which I am chairman. I will not complain about that. So far as that matter is concerned, I would care but little if you cut the clerk off entirely. If I can not do the work, it would be that it would have to go undone. But I call the attention of the committee to this fact: This amendment has been offered by the gentleman in charge of the bill now under consideration before the Committee of the Whole House on the state of the Union. I do not know how much work other committees have which have session clerks. Of course the Committee on Mines and Mining has considerable work to do, as might be shown from what that committee has done in the last few months. But I want to call the attention of the committee to the fact that, while the committee has been particular to move to reduce the compensation of these clerks who receive \$6 per day during the session, which is about \$1,000 for the long session of Congress, or a little more, and about \$700 for a short session, lasting about four months, at \$6 a day, I do not complain. I am ready to do whatever the House may see fit to do. I am always willing to submit to what the House does after the House by a majority decides a question in these matters.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. The gentleman is now chairman of the Committee on Mines and Mining, which, since the creation of the Bureau of Mines, has become a very active committee in the House. The gentleman's committee ought to have an annual clerk at \$2,000.

Mr. FOSTER. Well, my colleague may be right about that, but I am not here to ask that of the House.

Mr. MANN. It should have it, under all the precedents.

Mr. FOSTER. In view of what my colleague has said, it is well known that that bureau since it has been established has created a great deal more work for the Committee on Mines and Mining, and the correspondence is at times quite heavy, and there is a good deal of work to do.

Now, I want to call the attention of the House to some other things that are possibly outside of this particular item.

Mr. NORRIS. Before the gentleman leaves that item will he submit to a question there?

Mr. FOSTER. Yes.

Mr. NORRIS. The gentleman is speaking of the work of his committee and the correspondence that comes to it on account of the activity of the Bureau of Mines. I would like to ask him now, for information upon that point, whether that correspondence is confined to the times when the House is in session or is it just as voluminous when the House is not in session?

Mr. FOSTER. No. As is the case with other committees, I think it is not as great during the time between the sessions of Congress as during the session.

Mr. NORRIS. Is there any considerable amount of it?

Mr. FOSTER. Yes; there is a good deal of work to be done every day.

Mr. NORRIS. I think the gentleman ought to give his experience to the House. He has been chairman most of the time since that bureau was created, and he could give us some light on the proposition as to whether he ought to have an annual clerk or a session clerk.

Mr. FOSTER. Well, I have not been chairman of a committee of the House before, and so I am not able to speak in comparison with the work of other committees of the House. There are other committees which have a great deal more work than this one has, as you no doubt know. But of course during the session the business has been quite large and is increasing, and every day there is a lot of work to be done by the clerk of that committee.

Mr. KOPP. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. KOPP. Does the gentleman think the services rendered by these session clerks are of a higher grade than the services rendered by the secretaries to the Members?

Mr. FOSTER. I do not know whether that is so or not. The only thing is, it is a less permanent employment than that of the clerks to Members. The clerks to Members are employed for the year, and these clerks are only employed for the session.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSTER. I should like to have about two minutes more.
The CHAIRMAN. The gentleman from Illinois asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Chairman, of course if the House cuts this compensation to \$125 a month during the session, it becomes a question, so far as I am concerned, whether I could employ a secretary who would come from my home or not. I do not think I could, but I could get along in some way. I want to say to the House that I am not complaining; but, for instance, in this bill there have been janitors given to certain committees in the House Office Building. The Committee on Mines and Mining has two rooms over there which are taken care of by charwomen of the House Office Building. Not very far from where I happen to be located in that House Office Building is another committee which I think is probably not of greater importance, but equally so, that has a janitor or messenger, whatever he is called, with the same number of rooms and the same kind of rooms. The Committee on Mines and Mining have no janitor. I do not think we need any. I do not want any. I think it would be an extravagance to give one at this particular time; but I do not know whether the Committee on Appropriations investigated that matter particularly or not, to see whether these committees were entitled to and ought to have a janitor or messenger at an expense of \$720 or \$1,000 per year, a total of nearly as much as the clerk receives in the course of the two years, about as much as the clerk of the Committee on Mines and Mining would get.

Mr. CANNON. Mr. Chairman, I have just come in, and heard the concluding remarks of my colleague from Illinois. It seems to me from what I gather that "I would wait upon I dare."

Mr. GARNER. Mr. Chairman, I rise for the purpose of calling the attention of the House to the propriety of assigning session clerks to committees, and I believe that if the committee will give fair consideration to it, as the Committee on Accounts have tried to do, they will come to the conclusion that I have come to, and that is that the session clerks, so far as being a benefit to a committee, are a farce. If these committees are entitled to clerks, or if they ought to have assigned to them clerks of any character, what we ought to do is to give them annual clerks. The idea is that by assigning to them session clerks and giving them the extra assistance they will be able to perform their services as Congressmen more efficiently. I want to say to the House that I have had a change of heart to an extent with reference to these clerks and other clerical help to committees. When I first started in to examine them by virtue of my position on the Committee on Accounts I was thoroughly convinced that there was from 50 to 75 per cent more clerical help to the committees than they ought to have, but I found that I was in error in that. I can truthfully say that there are some committees that have janitors that are absolutely unnecessary. I have in my mind one or two cases where the man has absolutely nothing on the face of the earth to do except to take the Member's hat as he comes in and to brush his coat as he starts out. And one of those Members happens to be an individual who never was accustomed to anything of that kind before, and as a result he has felt a great deal of timidity, and he keeps the janitor inside of the room instead of having him sit outside. But the point I want to bring to the attention of the committee is this: That we ought to adopt this amendment of session clerks at \$125 a month, and give us 9 clerks, because if you do not adopt this amendment, and you leave it at \$6 a day for 6 committees, you are going to have the Committee on Accounts in this position at the next session of Congress. My friend, the chairman of the Committee on Education [Mr. LEVER], and my friend here, the chairman of the Committee on Alcoholic Liquor Traffic [Mr. CANDLER], will be in before the Committee on Accounts, and they will show conclusively, on account of the tremendous legislation that is before those respective committees, the great importance of having session clerks; while my friend, the chairman of the Committee on Mines and Mining [Mr. FOSTER], will be around, and by virtue of the activity of the Bureau of Mines he will convince us beyond doubt that he ought to have a clerk. So the result will be that you will have 9 committees, each of which will have convinced the Committee on Accounts that it needs a session clerk, and there are only 6 session clerks to assign to them. Whereas if you adopt the other amendment you will have 15 clerks, at \$125, and the cost will be no greater. The gentleman asks why I favor \$125 a month as against \$6 a day. I reply to him that these session clerks are a force that do practically no work as committee clerks. Very few of these committees do any work whatever.

The result is that they are given more in the way of assistants for performing personal clerical work, getting at it indirectly,

as session clerks. The Committee on Accounts thoroughly thrashed out this matter, and the House thoroughly thrashed it out, and came to the conclusion that it ought to be \$125 a month rather than \$6 a day, for the reason that each one of the expenditure committees has a clerk at \$125 a month. If you give these gentlemen who do less work session clerks at \$6 a day, the gentlemen who are chairmen of committees on expenditures will come in and say, "My committee does more work than the Committee on Alcoholic Liquor Traffic, and that committee has a clerk at \$6 a day," and then insist that they have a clerk at the same salary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, is a substitute for the amendment now in order?

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn.

Mr. MANN. Reserving the right to object, I should like to ask what the pending amendment is.

The CHAIRMAN. If there be no objection, the Clerk will report the pending amendment.

The Clerk read as follows:

On page 16, strike out lines 4 and 5 and insert in lieu thereof the following:

"For 9 clerks to committees, at \$125 per month each during the session, \$4,500."

The CHAIRMAN. The pro forma amendment being withdrawn without objection, the gentleman from South Carolina offers the following substitute for the amendment.

The Clerk read as follows:

For 9 clerks to committees, at \$6 each per day during the session, \$6,480.

Mr. LEVER. Mr. Chairman, in the matter of the difference in pay for janitors to Committees on Elections Nos. 1, 2, and 3 my distinguished colleague [Mr. JOHNSON], the chairman of the subcommittee in charge of this bill, argued that he proposed to stand by the committee report for the reason that this particular janitor had been employed and had accepted with this committee a contract which, to his mind, carried him not for one session but two sessions of Congress. I want to say that the clerk of the committee of which I have the honor to be chairman—and I assume that all the clerks of all these nine committees have been employed upon the theory that they were to be kept in employment for this entire Congress and not brought here for the salary of \$1,000 or \$1,200 for the year and then for a reduced salary at the end of this session—accepted his position on the idea that he was to be carried during the entire Congress.

If my colleague's reasoning is correct with reference to the janitor of the Committee on Elections No. 1, my reasoning is correct with reference to the clerks of these nine committees which are provided with session clerks at \$6 per day.

Mr. GARNER. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. GARNER. Does the gentleman undertake to say that the chairmen of the different committees have brought men from their districts that they would not have brought anyway—is it not a fact that a number of chairmen have added to the secretary's salary the salary of the session clerk?

Mr. CANDLER. If the gentleman will allow me, I want to say that I am chairman of the Committee on Alcoholic Liquor Traffic, and I brought a man from my home town as clerk, and my secretary is an entirely different man. And this man that I brought is doing the work of the committee.

Mr. LEVER. Mr. Chairman, I want to reply further to my colleague from South Carolina [Mr. JOHNSON] who is a mighty wise man and a very good man, that one of the other reasons assigned for the refusal to equalize the salaries of this janitor for these election committees was that the House of Representatives in its resolution adopted May 9, 1911, did not provide for the reduction of that janitor's salary so as to equalize his salary with those of the other janitors of the other two election committees. I want to call attention of the committee to the fact that the resolution did not provide either for the reduction of the salaries of the clerks of these nine committees, which are now proposed to have their salaries reduced to \$125 a month.

I think the gentleman from Texas is right. I am sure my friend from Illinois is right on this proposition. These nine committees deserve to exist or they ought to be abolished. If you are going to continue their existence you ought to provide them with the machinery to do the business of these committees. I say candidly to my friend from Texas that I could not get a man from South Carolina who is worth shucks to come here and live in the city of Washington under the expensive conditions that we have to live under at a salary which in two years may net him \$1,500 or \$1,800 a year. What good would such a

clerk be to me? Absolutely none in the world. The result is that I added that to the salary of my own clerk and put it right up to him to hire somebody else to do the odds and ends of my own work, addressing seed slips, addressing speeches, and doing things that most anybody can do. I do not like to be put in that position. If you are going to continue the Committee on Education, of which I happen to be the chairman, it seems to me that you ought to provide us with an annual clerk, and pay that clerk such a salary as I can afford to bring from home some young and ambitious man and give him an opportunity of staying in Washington so that he may be of some service to me as chairman of the committee and some service to the country as a whole. Let these committees get busy with the matters before them and let this House give these committees the necessary machinery with which to do the work on these committees.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this paragraph and amendments close in seven minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on the paragraph and amendments close in seven minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I want to cite a particular instance. This proposition of the committee is to reduce the number of session clerks from nine to six. In the assignment of these clerks that inevitably means that the Committee on Education would be left without any clerk.

Mr. HAMLIN. The gentleman means just the reverse.

Mr. MANN. No; the motion of the gentleman from South Carolina is to increase it from six to nine. It is nine now, but the committee proposes to reduce it to six. The Committee on Education would be left without a clerk. I have watched in this House with great interest the career of the gentleman from South Carolina [Mr. LEVER].

Mr. HAMLIN. If the gentleman will pardon me, in the interest of accuracy, the print is for six clerks, and the amendment is to make it nine clerks.

Mr. MANN. The committee has reported for six clerks; the substitute is to make it nine clerks.

As I say, Mr. Chairman, I have watched the career of the gentleman from South Carolina [Mr. LEVER] since he came into this House. He came originally before the committee of which I was chairman, of Elections No. 1, on a contest. I have paid close attention to him ever since. No man in this House has grown more rapidly in the estimation of the House [applause] or in the efficient work that he has performed than has the gentleman from South Carolina. [Applause.] To-day he occupies a position of great importance to this House upon the Committee on Agriculture, of which he is one of the leading members. I think that, although he may be chairman of a nominal committee like the Committee on Education, the House in justice to itself ought to provide him in some form with a proper clerk, which can only be done, in my judgment, by adopting the proposition which he has presented to the House. [Applause.]

Mr. CANDLER. Mr. Chairman, as chairman of one of these committees involved in this proposition, I want to state my situation for the consideration of the House. I will state that the clerk of the committee of which I am chairman, Mr. W. E. Small, Jr., resigned a position which he had and came from Mississippi to the city of Washington, a man who has a wife to support as well as himself. He is a competent man, qualified to discharge the duties of the position. I could not get a man that would perform these duties that would come from the State of Mississippi to Washington for anything less than the salary that is prescribed. As far as I am concerned, I am perfectly willing to abide by the judgment of the House as to what is just and right with reference to this matter. I want to say that the committee on the organization of the House provided for these committees.

They provided for them at the time when they knew the amount fixed for session clerks. They retained the committees knowing that to be the fact, and, as was said by my distinguished colleague from South Carolina a moment ago, they either ought to be maintained and given proper clerical assistance, at a salary that makes possible the employment of somebody who is competent to discharge that work, or they ought to be abolished.

Mr. MICHAEL E. DRISCOLL. Will the gentleman yield for a question?

Mr. CANDLER. I have not much time.

Mr. MICHAEL E. DRISCOLL. It is a short question. Did this \$6 a day include Sundays?

Mr. CANDLER. Yes.

Mr. MICHAEL E. DRISCOLL. They are paid for Sundays?

Mr. CANDLER. They are paid \$6 a day during the month. Now, then, that being true, the committee on organization of the House having maintained these committees, then they should have a clerk during the session of Congress at the amount heretofore fixed. Whatever the House sees proper to do about the matter, I shall not complain. The clerk to my committee, I will state to Members, expected to receive during the sessions of this Congress the amount which he is receiving now. If you take it away from him, I do not suppose he will remain in the city of Washington, because I do not believe he could afford to remain for the amount the other amendment provides for. Whatever you do in the matter which is right and honest will be satisfactory to me. By that standard I am perfectly willing for this question to be settled. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question is on the amendment as amended by the substitute.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

Office of Doorkeeper: Doorkeeper, \$5,000; hire of horses and wagons and repairs of same, \$1,200, or so much thereof as may be necessary; department messenger, to be appointed by the chairman of the conference minority, \$2,000; special employee, John T. Chancey, \$1,800; special employee, \$1,500; superintendent of reporters' gallery, \$1,400; janitor, \$1,500; 16 messengers, at \$1,180 each; 14 messengers on the soldiers' roll, at \$1,200 each; 15 laborers, at \$720 each; laborer in the water-closet, \$720; laborer, \$680; 2 laborers, known as cloakroom men, at \$840 each; 8 laborers, known as cloakroom men, 2 at \$720 each and 6 at \$600 each; female attendant in ladies' retiring room, \$800; superintendent of folding room, \$2,500; 3 clerks, at \$1,000 each; foreman, \$1,800; messenger, \$1,200; janitor, \$720; laborer, \$720; 32 folders, at \$900 each; 2 drivers, at \$840 each; 2 chief pages, at \$1,200 each; messenger in charge of telephones, \$1,200; messenger in charge of telephones (for the minority), \$1,200; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at \$2.50 per day each, \$13,800; superintendent of document room, \$2,900; assistant superintendent, \$2,100; clerk, \$1,700; assistant clerk, \$1,600; 7 assistants, at \$1,280 each; assistant, \$1,100; janitor, \$920; messenger to press room, \$1,000; in all, \$150,900.

Mr. OLMSTED. Mr. Chairman, I move to strike out the last word, simply to suggest to the chairman of the subcommittee in charge of the bill—

Mr. GARRETT. Mr. Chairman, I want to reserve a point of order.

Mr. AUSTIN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. OLMSTED (continuing). That I was out of the Chamber for a moment, and the matter may have been provided for, but in order to make certain I ask the gentleman from South Carolina if the item, line 10, page 1, "Compensation of Senators, \$390,000," ought not to be corrected? That is evidently based upon the proposition that there are 92 Senators, but we have recently admitted into the Union two new States, which would make 4 new Senators, or 96 in all, and it would make necessary an appropriation of \$720,000 to pay their salaries at \$7,500 each.

Mr. JOHNSON of South Carolina. Mr. Chairman, at the time the bill was made up the States had not been admitted into the Union, and the compensation in this bill provides for 92 Senators. That is to provide for the 92 Senators provided for by law. Of course, the Senate having increased by four new Senators will make the necessary amendment.

Mr. OLMSTED. I did not know but that the gentleman would like to go back and make the correction inasmuch as the two new States have been admitted.

Mr. JOHNSON of South Carolina. Wait until it gets over to the Senate, which does not overlook anything.

Mr. AUSTIN. Mr. Chairman, I desire to make a point of order. I make the point of order to the language, beginning on line 19, page 16, "to be appointed by the chairman of the conference minority" on the ground, Mr. Chairman, that that is new legislation on a legislative appropriation.

Mr. JOHNSON of South Carolina. Mr. Chairman, the Committee on Appropriations inserted those words because they were informed that in preceding Congresses, when the Democrats were in the minority, the leader of the minority was permitted to appoint that employee. We put those words there in order to be absolutely fair to the leader of the minority.

The CHAIRMAN. The Chair would ask the gentleman from South Carolina to address himself to the point of order. Does this language change existing law?

Mr. JOHNSON of South Carolina. I know of no law that requires that this employee shall be appointed by the minority, but the custom has been for him to be so appointed, and we put in those words.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Mr. Chairman, I move to strike out, on page 16, lines 19 and 20, the words "department messenger, \$2,000."

The CHAIRMAN. The Clerk will report the amendment.
The Clerk read as follows:

Page 16, lines 19 and 20, strike out the words "department messenger, to be appointed by the conference minority, \$2,000."

Mr. MANN. Part of it has already gone out. Mr. Chairman, it was not at my request that there was inserted in the bill that provision that the department messenger should be appointed by the chairman of the conference minority. I was sent for one time by the Committee on Appropriations and asked whether I thought that was proper, and I said I had no objection. Afterwards I made some investigation and should have moved to strike out this entire language, whether the appointment by the conference minority had been stricken out on the point of order or not. The department messenger provided for in this bill in the current law has not been performing the services of a department messenger since last year, and never did have much service of any kind to perform. Years ago there was a department messenger, and in the Fifty-fourth Congress, or rather, in the Fifty-third Congress and preceding Congress, and in the Fifty-fourth Congress, when the Republicans came into control of the House, they provided for a department messenger, and appointed a Republican to the place.

The previous department messenger had been a Democrat, and a resolution was passed providing for an assistant department messenger, and the Democrat was appointed to that place. I doubt if there are 20 men of the House who know what the duties of the department messenger are. Has anyone here ever called on the department messenger? His duties are to work for Members of Congress. Has anyone here ever availed himself of that privilege?

Mr. DALZELL. You mean the position that was held by Mr. Vail?

Mr. MANN. By Mr. Vail.

Mr. DALZELL. I have.

Mr. MANN. The gentleman from Pennsylvania has. Has anyone else?

Mr. NORRIS. I do not know whether the gentleman wants us all to testify; but I have.

Mr. SHERLEY. I did not know that there was such a person. From what State does he come?

Mr. MANN. You can not prove it by me.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. COOPER. Are there 20 gentlemen in the House who know what "chairman of the conference minority" means?

Mr. MANN. There are 20 who ought to know. The minority leader in the House has been designated in the statutes for years as "chairman of the conference minority." How the title originally started, I do not know.

Mr. SHERLEY. If the gentleman will permit, I will suggest that 20 Members, I guess, understand the meaning of "chairman of the conference minority."

Mr. MANN. The chairman of the conference minority is the so-called minority leader, and has been for years. Whoever put the provision in in the first place called him "chairman of the minority conference."

Mr. COOPER. How can the English language be tortured into any such meaning as the gentleman gives to that expression, namely, "chairman of the conference minority," as meaning the minority leader?

Mr. MANN. I do not undertake to explain it.

Mr. COOPER. It is an absolutely senseless expression, if that is what it means.

Mr. MANN. I agree with the gentleman entirely.

Mr. SHERLEY. He means expression and not place, does he not?

Mr. MANN. Yes; I think so. I agree with the gentleman now that there is no occasion to retain this department messenger. The gentleman who now occupies the place sent word to me recently that if this item was carried in the bill he was going to oppose it, unless I would agree to reappoint him. I said I would make no agreement about appointing anybody, because I had intended to move to strike out the item. There is no occasion for the place. This side of the House does not want it. That side of the House is under no obligations, that I know of, to appoint a Republican in the place, and, if they are, it is not their business to select a Republican. There is no occasion to use the place. There is a regular department messenger, who himself in one day of the week can do all the work which is asked for by all the Members of Congress in the entire seven days of the week, without another department messenger.

Mr. DALZELL. Do you refer to the party who is now holding that place, Col. Coombs?

Mr. MANN. This is not Col. Coombs's place.

Mr. AUSTIN. I desire to be heard.

Mr. GARNER. Will the gentleman from Tennessee [Mr. AUSTIN] permit me to ask the gentleman from Illinois a question in his time?

Mr. AUSTIN. Certainly.

Mr. GARNER. Will the gentleman from Illinois give me his attention, inasmuch as I have the permission of the gentleman from Tennessee to ask him a question? Does the gentleman from Illinois [Mr. MANN] believe it is to the interest of the Members of the House to have the continuous notice given, as has been going on for the last year or two, when bills are reported from committees and when they have passed the House?

Mr. MANN. I thought that was a good thing, but the gentleman's party by caucus abolished the job of notification clerk.

Mr. GARNER. Let us be perfectly frank and candid and say that we abolished it, because we did abolish it with the distinct understanding in the reorganization that the clerk at \$3,000 a year should be the man who had been doing this work for two or three years past; but in making up the business the party emergencies demanded he should be relieved of this work, and this messenger has been doing that identical work ever since.

Mr. FITZGERALD. That is a violation of the law.

Mr. MANN. It is a criminal violation of the law, and if it continues I am going to call it first to the attention of the officers of the House and next to the criminal officers of the Government.

Mr. GARNER. I want to say, Mr. Chairman, I do not propose, so far as I can prevent it, that the House at any time have any misinformation. Let us understand every proposition on its merits and vote on its merits. This messenger, so-called, is absolutely useless as a messenger, as the gentleman from Illinois [Mr. MANN] has stated, but he has been doing other work.

Mr. MANN. You mean the individual has been doing other service?

Mr. GARNER. He has been doing the service of notifying Members of Congress of the condition and status of their bills.

Mr. MANN. I have no feeling against the individual, because he is a good man.

Mr. GARNER. I certainly have nothing against him myself.

Mr. MANN. He is an efficient notification clerk, and I would be glad to have the Democrats appoint him to the office.

Mr. GARNER. On the other hand, I have the kindest feeling for him, and I would like to see him appointed to the place.

Mr. MANN. Not as department minority messenger?

Mr. SHERLEY. Is it not possible for some other clerk to notify us of these things without providing for this man?

Mr. GARNER. With the indulgence of the gentleman from Tennessee [Mr. AUSTIN], I want to say, Mr. Chairman, that when we reorganized the House we provided for one clerk at \$3,000 a year. That place is carried in this bill now. We also provided for three or four clerks at \$1,600 a year. The little bureau in which those clerks were employed was in room No. 15, up there where the bill business was transacted. I do not know exactly what the duties are, but it was stated by the gentleman from Pennsylvania [Mr. PALMER] at the time, when the question was asked whether we would continue the notification clerk, that the clerk who was receiving \$3,000 would be the man who would perform that work. That is my understanding. At any rate, none of these other clerks can do this work, in my opinion.

Mr. SHERLEY. If the gentleman will permit, the point I make is not as to the personnel. I do not care a hang about the personnel. I never saw the man in question. But if it is a useless job, the gentleman who fills it ought not to be retained simply because we like him. I would like to ask the gentleman from Texas if anyone is performing this work who is drawing another salary?

Mr. GARNER. If you discontinue the minority messenger, then if Congress wanted to continue the work of the notification clerk, the Committee on Accounts would have to come in and create a new salary.

Mr. SHERLEY. That is inconceivable to me.

Mr. DALZELL. Do I understand the gentleman from Texas to say that the man who was discharged from the position of notification clerk is now a minority messenger, charged up as a minority employee to the Republican Party?

Mr. GARNER. The gentleman who is now designated as minority department messenger is now performing the duties of the present notification clerk.

Mr. DALZELL. That is what I wanted to know.

Mr. GARNER. Now, if the House wants to continue this notification business, if the Members of the House desire to be advised as to the condition of their bills, it strikes me they must either continue this man and let him do that work or else create another place.

Mr. SHERLEY. Is that a fair conclusion to come to?

Mr. GARNER. That is the situation as it exists.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Pennsylvania?

Mr. GARNER. I do.

Mr. PALMER. The gentleman has just stated that in order to continue this notification work it will be necessary to create a new place. Why can not one of this man's assistants do this work which he was to do under the plan of reorganization in this House?

Mr. GARNER. I just stated a moment ago what the situation is. Perhaps the gentleman from Pennsylvania did not hear me. I was not sufficiently advised as to the work required at the time when the change was made by the reorganization to determine that.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. AUSTIN] has expired.

Mr. PALMER. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Texas [Mr. GARNER] be extended.

Mr. GARNER. I have no time. I was occupying time allotted to the gentleman from Tennessee [Mr. AUSTIN]. Mr. Chairman, I ask that the gentleman be given five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. PALMER. Was not the assistant bill clerk's office abolished and a new bureau created, with a chief at a salary of \$3,000 a year and four assistants, at \$1,500 each? And was it not the understanding in the Democratic caucus, and was it not the understanding in the House when the resolution was passed that carried that caucus action into effect, that the work of the notification clerk would be done by that bureau?

Mr. GARNER. Certainly.

Mr. PALMER. Now, as I understand it, despite that understanding and despite that action of the caucus and that action in the House, the work has been done by somebody else who is not in that little bureau.

Mr. GARNER. That is correct.

Mr. PALMER. Then, I think, the office ought to be abolished.

Mr. BYRNS of Tennessee. But it is necessary, is it not?

Mr. GARNER. I will say to the gentleman from Pennsylvania that the fact was called to my attention that under the provision with reference to the clerk, at \$3,000 a year, and four assistants, at \$1,500 each, there was not sufficient clerical help to do the work assigned to them and, in addition, to do this notification work.

Mr. PALMER. I think I am sufficiently advised to say that it is sufficient.

Mr. GARNER. That is a question between the gentleman from Pennsylvania and some other Members of Congress who claim to have looked into the situation—Members who are at the head of committees. I might say that the chairman of the Committee on Accounts tells me that the information that he gets from the officers in charge is that unless the work is performed by this messenger it would cease altogether, because there is not sufficient clerical force there to do it. Mr. Chairman, I now yield back my time.

Mr. MANN. Then the Committee on Accounts ought to provide for sufficient clerical force.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. GARNER. I have no time. I yielded my time back to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. I yield time to the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Texas will be recognized to allow the gentleman from Kentucky to ask a question.

Mr. HELM. I was not in the House when the gentleman stated what the duties of this notification clerk are. What are they?

Mr. GARNER. The gentleman has doubtless had some bills reported to the House since he has been a Member, has he not?

Mr. HELM. I never have had bills brought to my committee by a messenger or a clerk, but I have been notified over the telephone that there are bills referred to my committee, and I have had to walk around to the document room to get those bills myself.

Mr. GARNER. The gentleman did not catch my inquiry or did not properly understand it.

Mr. HELM. What I am trying to find out is what is the duty of this man.

Mr. GARNER. Whenever a bill which has been introduced by the gentleman from Kentucky is reported favorably it is the duty of the clerk to inform the gentleman from Kentucky that

it has been reported favorably. When such a bill has passed the House it is the duty of the clerk to inform the gentleman that the bill has passed, and so on, down to its final signing by the President of the United States.

Mr. HELM. I would say to the gentleman that I have received such notices as that.

Mr. GARNER. That is his duty.

Mr. LANGLEY. And he performs other duties in addition to that. That is not his only duty.

Mr. SHERLEY. What are the other duties that he performs?

Mr. DYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DYER. Who has the floor?

The CHAIRMAN. The gentleman from Texas [Mr. GARNER].

Mr. HUMPHREYS of Mississippi. Will the gentleman from Texas state that this messenger was one of the minority employees?

Mr. GARNER. Mr. Chairman, I understand the custom has been for a number of years to permit the minority side of the House to select this particular employee. I do not know anything about it, except what I have been told.

Mr. HUMPHREYS of Mississippi. But he is not, under the law, one of the minority employees.

Mr. GARNER. Oh, no; this is new law and has been stricken out on a point of order.

Mr. AUSTIN. Mr. Chairman, there has evidently been a necessity for this clerk, or the gentleman from Illinois [Mr. MANN] would have long since objected to this wasteful and needless expenditure of money, because this appropriation has been made year after year. I know this man's work. Not only does he notify every Member of this House when a pension bill is favorably reported and when it is acted upon in the House, but also when it is acted upon in the Senate and when it is approved by the President of the United States. He does the same thing with reference to every other bill that goes on the calendar and that is considered by this House. Now, simply because he has been selected in the way he has, it is said that there is no necessity for his services.

I sat in a Republican caucus when our minority representation was selected. There were five employees. Every one of them went to a northern or eastern State—New York, Pennsylvania, Illinois, and one or two other States. Although there were half a dozen or more southern Republicans, we received nothing in the way of patronage in the Republican caucus; but we found that the minority were entitled to one of the messengers, and the Representative from Kentucky on my right, Mr. LANGLEY, the Representative from Virginia, Mr. SLEMP, and myself presented to the officers of this House the name of a southern Republican, and along with our indorsement we filed the indorsement of the following Members: Messrs. DALZELL, BURKE of South Dakota, RODENBERG, OLMSTED, PRINCE, CURRIER, WEEKS, DRAPER, FOSS, GILLET, AUSTIN, SLEMP, LANGLEY, LAFEAN, MCCALL, WOODS of Iowa, MADDEN, FOWLER, WILSON of Illinois, HAWLEY, HUMPHREY of Washington, NEEDHAM, MOORE of Pennsylvania, MCKINLEY, and others.

Mr. DALZELL. Did the gentleman mention my name?

Mr. AUSTIN. The gentleman from Pennsylvania [Mr. DALZELL] indorsed Mr. Jarvis. I saw the gentleman's name with others on the list.

Mr. DALZELL. The gentleman is mistaken.

Mr. AUSTIN. I am not mistaken.

Mr. FOSTER. The original petition had the name of the gentleman from Pennsylvania. He may not have known what he signed.

Mr. DALZELL. The party whom I indorsed, and for whom I have been very earnestly working, was Mr. Vail, who formerly occupied the other place.

Mr. AUSTIN. The gentleman signed the other petition, too.

Mr. DALZELL. If I did, I did not know what I was doing.

Mr. MANN. That is probably the case with others.

Mr. DALZELL. I should like to see the original petition.

Mr. MOORE of Pennsylvania. Inasmuch as the gentleman has read my name as a signer of the petition, I should like to say that I have no recollection of having signed the paper. I should like to see the signature.

Mr. AUSTIN. I will send a page to the committee room and get the paper.

Mr. MOORE of Pennsylvania. If my signature is there I will acknowledge it, but I do not remember it.

Mr. AUSTIN. We found that the minority usually selected this messenger. We found in office a man who had served under the Republican Clerk of the House, with a good record for efficiency, for more than 12 years, and with these petitions of representative Republicans we appeared before the Committee on Accounts and succeeded in having that man retained. Now,

when this bill was reported with a provision in it in the shape of new legislation to give the control of this appointment, not to the minority but to the leader of the minority, I asked the leader of the minority what he was going to do with the good Tennessee Republican that we had in this comfortable job. He said he did not know what he was going to do; that he had not committed himself to anyone. Had my point of order not been made, I do not know whether the gentleman would have asked this House to abolish this office or not.

Mr. LANGLEY. Was the suggestion by the gentleman from Illinois [Mr. MANN], that this place is not necessary, made before or after the point of order was sustained?

Mr. AUSTIN. It was made afterwards.

Mr. MANN. It might have been made before.

Mr. AUSTIN. The gentleman from Kentucky [Mr. LANGLEY] and myself waited on the minority leader to know what disposition was going to be made of this position in the event that the point of order was not raised, and, as I have stated, the gentleman from Illinois [Mr. MANN] said he had not made up his mind; that he did not have anyone in view for the position; and not having any assurances that our man would be retained I did what every other Member of the House would do to protect a friend—I made the point of order. And I say that if there has been a necessity for this position in the last 14 years, there is a necessity for it to-day; and I ask this Committee of the Whole to keep the provision for the place in the law.

Mr. LANGLEY. What is the law now?

Mr. AUSTIN. For a messenger at this salary.

Mr. LANGLEY. And how appointed?

Mr. AUSTIN. There has been no provision as to how he should be appointed.

Mr. BYRNS of Tennessee. In the same language as heretofore?

Mr. AUSTIN. Precisely the same language that has been in every legislative appropriation bill reported to this House for years.

Mr. MADDEN. I understand the gentleman from Tennessee to say that he would not have made the point of order if he had had a promise that his man would be appointed.

Mr. AUSTIN. If he had been retained. That is what I am fighting for—for my own.

Mr. MADDEN. Then the gentleman is not making a point of order on the merits?

Mr. AUSTIN. I am doing anything and everything possible to save my man. [Applause.]

Mr. SHERLEY. This man is not performing any duties as clerk for the minority, is he?

Mr. AUSTIN. He is not only performing duties for the minority, but for the majority and for every man in this House.

Mr. SHERLEY. In point of fact, he is not doing anything as a clerk for the minority, but he is doing some work for the entire membership of the House that it was contemplated would be done by another force now in existence. Is not that true?

Mr. AUSTIN. I do not know whether that is true or not.

Mr. SHERLEY. I so understand, and that the interest of the gentleman is to keep the man from Tennessee in the place.

Mr. AUSTIN. There is no better Republican living than this man.

Mr. SHERLEY. I have no doubt about that; but I do not see why Uncle Sam should keep a Tennessee Republican, or a Democrat, for that matter, in a position unless he is needed.

Mr. AUSTIN. But you have kept him here for 15 years.

Mr. SHERLEY. Then it is time that we woke up.

Mr. AUSTIN. It ought not to take you 15 years to wake up.

Mr. SHERLEY. We did not know about it until you fellows fell out, and that is when we get our dues. [Laughter.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this paragraph and amendment close in seven minutes.

Mr. MANN. Do I understand that that time is to be used by two gentlemen opposing the motion?

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois want more time?

The CHAIRMAN (Mr. BURNETT). The gentleman from South Carolina moves that all debate on this paragraph and amendments thereto close in seven minutes.

The motion was agreed to.

Mr. MOON of Tennessee. Mr. Chairman, there is just one word that I want to say about this matter. I am as much in favor of economy in the administration of this House as anybody on this floor, but there is no more important place in the service of the House than the one that is occupied by Mr. Jarvis. It enables the Members of the House to attend to their duties without looking after the smaller things. It is stated by

my colleague from Tennessee, Mr. AUSTIN, that in the division of the offices of this House this one went to the minority. In the first place, I want to insist that it is a fact that not a single position has gone to a Republican south of the Ohio River except to this gentleman. I know something about the contest in this matter. Some gentlemen on the other side have wanted the place for a gentleman who lives farther north. It is all right to give gentlemen in the North all the places they are entitled to, and all right for the minority to have a fair representation in the distribution of these places in the House, but I submit that because they have the power on that side, so far as sections are concerned, it is not right to deprive these southern Republicans of all the places that they have in the organization of this House. No man who believes in fair dealing will undertake to do it, and I do not think any Democrat on this side will sustain any such position. This is an important position and ought to be filled properly, and it is filled properly. I do not believe that this contest between our Republican brethren ought to be permitted by the Democrats to be determined along sectional lines. When Republican places are to be filled, the southern Republican is entitled to recognition.

Mr. BYRNS of Tennessee. Mr. Chairman, it has been assumed by certain gentlemen that this position is not needed; that we are giving the salary to a man who is not doing any work. I think the gentleman from Texas showed very clearly that if this position is not retained, Members will no longer receive notification as to the action upon bills which they have introduced in this House.

Mr. SHERLEY. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. SHERLEY. Is it not true that we created a corps with the express understanding that that corps should perform this service?

Mr. BYRNS of Tennessee. That may be true.

Mr. SHERLEY. Does the gentleman know of his own knowledge that they are unable to do it?

Mr. BYRNS of Tennessee. The statement has been made on the floor that the corps to which the gentleman refers was unable to do the work, and this man was placed in that office for the purpose of performing the necessary work.

Mr. SHERLEY. Then we should change the personnel.

Mr. LANGLEY. Will the gentleman yield, inasmuch as debate has been limited to a few minutes more, and I may not get the floor in my own right? I hope the gentleman from Tennessee will state what I know he knows to be true, that Mr. Jarvis is one of the hardest worked men attached to the force here in the Capitol, and one of the most capable men we have. He even employs some one at times to help him, because he can not do himself all the work put upon him. That we must have done the work that he is doing there is no question.

Mr. BYRNS of Tennessee. Mr. Jarvis has been here for many years, and I undertake to say that I do not know a more competent man who could be selected; and as the gentleman from Kentucky well says, he is busy all the time, and frequently has to employ some one to assist him in doing the work.

Mr. SABATH. Does the gentleman mean to say that we could not find a Democrat who is just as competent?

Mr. BYRNS of Tennessee. There is no question about that, but this position was given to the minority. I insist that it is not given to the chairman of the minority or to any particular member of the minority, but to all the minority. The gentleman from Tennessee [Mr. AUSTIN] has read to the House a partial list of the minority Members who requested that Mr. Jarvis be appointed to that place.

Mr. PALMER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. PALMER. Is it not a fact that the work of the notification was turned over to Mr. Jarvis after he received this appointment because there was nothing else for him to do?

Mr. BYRNS of Tennessee. I do not so understand it.

Mr. PALMER. And is it not a fact that the work before that was done by the assistants that the gentleman has spoken of?

Mr. HUMPHREYS of Mississippi. No; that force has never done the work. Mr. Jarvis succeeded Mr. Wakefield. Mr. Wakefield did the work, and Mr. Jarvis succeeded him; and no employee in this House, no Member of this House, works harder or puts in more hours every day in hard work for the efficient conduct of the business of this House than does Mr. Jarvis.

Mr. PALMER. I have no doubt about that, but what I want to know is why is not the work done by the assistant bill clerk?

Mr. HUMPHREYS of Mississippi. All I know is that Mr. Jarvis is doing the work, and that no clerk in the employ of the House does as much work in the 24 hours a day as he does.

Mr. MANN. Will the gentleman from Tennessee yield, as he has taken a good deal of my time?

Mr. BYRNS of Tennessee. I did not take the gentleman's time. The Chair recognized me, and I am talking in my own time.

Mr. MANN. And the gentleman's side asked to limit debate, and took two speeches on that side.

Mr. BYRNS of Tennessee. The gentleman has been recognized several times, and I have been recognized only once on this side. The gentleman has made one speech on the amendment, but I will yield to the gentleman in my time.

The CHAIRMAN. The time of the gentleman from Tennessee has expired; all time has expired on this paragraph. The Clerk will report the amendment.

The Clerk again read the amendment.

The CHAIRMAN. The question is on adopting the amendment.

The question was taken; and on a division (demanded by Mr. AUSTIN) there were 59 ayes and 13 noes.

The CHAIRMAN. The amendment is agreed to, and the Clerk will read.

Mr. AUSTIN. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Eighty-three Members present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ames	Estopinal	Lafean	Prouty
Andrus	Evans	Lafferty	Pujo
Anthony	Fairchild	La Follette	Rainey
Barchfeld	Fields	Lawrence	Randell, Tex.
Bates	Focht	Lee, Ga.	Rauch
Bathrick	Fornes	Legare	Reilly
Boehne	Gardner, Mass.	Lenroot	Reyburn
Bradley	Gillett	Lindsay	Roberts, Nev.
Brantley	Goeke	Linthicum	Rouse
Broussard	Gould	Littleton	Russell
Bulkley	Greene, Mass.	Longworth	Saunders
Burgess	Griest	McDermott	Scully
Burke, Pa.	Gudger	McGillcuddy	Sells
Burke, S. Dak.	Hamilton, W. Va.	McGuire, Okla.	Shackelford
Burleson	Hanna	McHenry	Sheppard
Calder	Hardwick	McLaughlin	Sherwood
Callaway	Harris	McMorran	Simmons
Cantrill	Harrison, Miss.	Macon	Sisson
Carlin	Harrison, N. Y.	Maher	Slemp
Carter	Hay	Malby	Small
Clark, Fla.	Hayes	Martin, Colo.	Smith, Saml. W.
Connell	Herald	Martin, S. Dak.	Smith, Cal.
Copley	Henry, Conn.	Matthews	Smith, N. Y.
Covington	Hensley	Mays	Smith, Tex.
Cox, Ind.	Higgins	Mondell	Sparkman
Cox, Ohio	Hinds	Moon, Pa.	Speer
Crago	Hobson	Moore, Tex.	Stack
Cravens	Holland	Morse, Wis.	Stanley
Crumpacker	Houston	Mott	Switzer
Curley	Howard	Murray	Taylor, Col.
Currier	Howell	Nelson	Thayer
Davenport	Hughes, Ga.	Nye	Thomas
Davidson	Hughes, N. J.	Oldfield	Townsend
Davis, Minn.	Hughes, W. Va.	Parran	Turnbull
Dickson, Miss.	James	Patton, Pa.	Vreeland
Difenderfer	Johnson, Ky.	Payne	Whitacre
Dodds	Kahn	Peters	Wilson, Ill.
Doremus	Kent	Pickett	Wilson, N. Y.
Draper	Kindred	Plumley	Wilson, Pa.
Driscoll, M. E.	Kitchin	Powers	Woods, Iowa
Dwight	Konig	Pray	Young, Mich.
Edwards	Konop	Prince	

The committee rose; and Mr. GARNER assuming the chair as Speaker pro tempore, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum the roll was ordered to be called, that 224 Members had answered to their names, a quorum, and he reported herewith the names of the absentees.

The SPEAKER pro tempore. The Committee of the Whole House on the state of the Union finding itself without a quorum rose and the Chairman of said committee reports 224 Members as being present. The names of the absentees will be noted and the committee will resume its sitting.

Mr. AUSTIN. Mr. Chairman, I ask for tellers on the last vote.

The CHAIRMAN. The present occupant of the chair was not in the chair when the question arose. The reporter's notes show that the question of no quorum was made after the announcement of the vote and the chairman had ordered a call of the roll. The Chair holds it is too late to call for tellers.

Mr. MANN. Mr. Chairman, while I made the motion to strike out and while whatever the reporter's notes may show, it is true the gentleman from Tennessee [Mr. AUSTIN] made a point of order immediately upon the announcement of the vote.

Mr. LANGLEY. And he addressed the Chair two of three times before that statement was made.

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that we have a vote by tellers.

Mr. MANN. I do not want the matter by unanimous consent. I think we ought to have a decision of the Chair.

The CHAIRMAN. The Chair stands on the reporter's notes.

Mr. MANN. If the Chair will permit, I will say the reporter's notes are not always accurate, in this, that the reporter's notes have to put one thing ahead of another while the two may occur at the same time. The fact is, as I think no one will dispute, that immediately upon the announcement of the vote the gentleman from Tennessee made the point of order that no quorum was present for the purpose of invalidating the vote.

The CHAIRMAN. The Chair will say to the gentleman, unfortunately the present occupant of the chair was downstairs at lunch at the time the point was raised and therefore is not informed on the question, but the Chair must sustain the record, and as the Chairman of the committee had ordered the Clerk to proceed it was too late to demand a division; but the gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the vote may be taken by tellers. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Tellers have not been ordered.

Mr. GARNER. The gentleman from South Carolina asked unanimous consent to have a vote by tellers and there was no objection.

The CHAIRMAN. The gentleman from South Carolina asked unanimous consent that this vote might be taken by tellers. The Chair submitted it and received unanimous consent and the gentleman from Tennessee, Mr. AUSTIN, and the gentleman from South Carolina, Mr. JOHNSON, will act as tellers.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent that the proposition be stated again, as there are a large number of Members here now who were not present when the question was up.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the amendment be again reported, as there are many Members present who were not present when the former vote was taken. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, lines 19 and 20, strike out the words: "Department messenger, to be appointed by the chairman of the conference committee, \$2,000."

Mr. FITZGERALD. The words "chairman of the conference committee" have been stricken out on a point of order, which the RECORD will show.

The CHAIRMAN. The Chair so understands. Those words were stricken out on a point of order, and the Clerk will report the proposition without them.

The Clerk read as follows:

Page 16, lines 19 and 20, strike out the words "department messenger, \$2,000."

The committee divided; and the tellers reported that there were—ayes 66, noes 29.

So the amendment was agreed to.

The Clerk read as follows:

For the following minority employees authorized and named in the resolution adopted by the House of Representatives April 10, 1911, namely, special employee, \$1,800; special messenger and assistant pair clerk, \$1,800; special messenger, \$1,500; special chief page and pair clerk, \$1,800; in all, \$6,900.

Mr. MANN. Mr. Chairman, I move to amend, in line 23, by striking out "\$1,500" and inserting "\$1,800" in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 23, strike out "\$1,500" and insert "\$1,800" in lieu thereof.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. Mr. Chairman, this is one of the minority places authorized by a resolution of the House, filled by the Republican caucus. As I understand, this place is filled by Mr. Bert Kennedy, who was the Assistant Doorkeeper of the House at a salary of \$2,500. He was given this place at a salary of \$1,500, although at the time it was assigned to him by the caucus I think it was generally understood he was to receive a salary of \$1,800. The amendment is, of course, subject to a point of order. Kennedy has been an employee of the House ever since I have been here, and was an employee some time before I came to the House. He is a very valuable employee for the minority side and for the House, so far as that is concerned. For an old employee \$1,500 is not a proper salary.

Mr. FITZGERALD. Mr. Chairman, this is one of the places which has usually been assigned to the minority.

Mr. MANN. This is a minority place under the resolution of the House.

Mr. FITZGERALD. And the custom has been that the determination of such matters should be adjusted by the Committee on Accounts.

Mr. MANN. If the gentleman will pardon me, he is slightly in error. The custom has been, and the same custom was followed this time, for some one in behalf of the minority to offer a resolution in the House and have it adopted. When the resolution was offered this time, if I recollect, by the gentleman from Pennsylvania [Mr. DALZELL] in behalf of the minority, it was agreed to, and the salaries were the same, it is true, that were provided for the Democratic employees in the Sixty-first Congress. It never has gone, I think, through the Committee on Accounts.

Mr. FITZGERALD. What happened was this: That the custom had been during a number of years for the majority to assign certain positions to the Democrats.

Mr. MANN. Assigned by resolution of the House, usually offered by the Democratic side of the House.

Mr. FITZGERALD. When the gentleman from Pennsylvania [Mr. DALZELL] offered his resolution inquiry was made if it were the same as had been theretofore allowed to the minority, and there was no objection.

Mr. MANN. That is quite true.

Mr. FITZGERALD. I think that is true. I know the gentleman mentioned by the gentleman from Illinois, and he is probably one of the most efficient employees the minority has ever had in the House.

Mr. MANN. I am inclined to think that myself.

Mr. FITZGERALD. If his compensation is to be increased, the burden should not be put upon us. We have reported the compensation now authorized. I do not believe the committee would be justified in permitting it to be increased.

Mr. MANN. I will say to the gentleman frankly, if this case was acted upon by the Committee on Accounts, I would not say anything about it now or make a request, but the Committee on Accounts, as I recollect, has never passed upon these matters. Eighteen hundred dollars for Mr. Kennedy will even then be a reduction in the expenditures of the House of \$600 from the salary he drew before, and he was worth to us when we were in the majority the entire salary he drew.

Mr. LEVER. May I ask what was the salary under the Republican administration?

Mr. MANN. Twenty-five hundred dollars.

Mr. LEVER. Was it the same place?

Mr. MANN. Oh, no. He was Assistant Doorkeeper.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. The increase of salaries of House employees, both of the minority and majority, has always been authorized, when authorized at all, by a resolution from the Committee on Accounts before being put in the bill.

Mr. MANN. That may be so. I would not say to the contrary, but I will say this to the gentleman: That my recollection is that all the minority places have been fixed and the salaries provided by resolutions offered from the floor of the House, ordinarily by some one in the minority.

Mr. BARTLETT. That is true.

Mr. MANN. I think that has been the custom.

Mr. BARTLETT. Yes; and this man's place was provided for, as stated by the gentleman from New York [Mr. FITZGERALD], at the beginning of the session by a resolution offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. MANN. Yes.

Mr. BARTLETT. And the statement was made that the same number of employees was allowed at the same salary.

Mr. MANN. I will say to the gentleman frankly that in making up the list which was submitted to the Republican caucus afterwards, while I did not make up the list myself, on the motion that was made I understood that Mr. Kennedy was to be taken care of at the salary of \$1,800. Through some error, either on my part or on the part of somebody else, that was not done. He is one of the valued employees on this side of the House, and he has been in the service, like the venerable Capt. Chancey over there, for many years. I think we can afford to pay him a living salary.

Mr. BARTLETT. I think he has been here ever since the Fifty-fourth Congress; according to my recollection, anyhow.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. MANN. I hope the gentleman will not insist on his point of order.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I do not feel—

Mr. MOON of Tennessee. Mr. Chairman, I make a point of order.

Mr. MANN. The point of order is conceded.

The CHAIRMAN. The point of order is sustained.

Mr. GARNER. Mr. Chairman, I move to strike out the last word. I want to submit a statement for the information of the gentleman from Illinois [Mr. MANN]. It has been stated before the Committee on Accounts that the minority has two pair clerks, while the majority has but one pair clerk. In our reorganization plan we eliminated all the pair clerks on the majority side with the exception of one. I notice in this appropriation here a provision for a special messenger and assistant pair clerk at \$1,800, and a provision for a special chief page and pair clerk at \$1,800. I would like to have the gentleman from Illinois state what duties these employees perform, and whether or not, according to his information, there are two pair clerks on the minority side and one on the majority side.

Mr. MANN. I think it is true that there are two pair clerks on the minority side and one pair clerk on the majority side. However, the pair clerks act for both sides, so that it does not make very much difference so far as that is concerned. It is true that there were formerly two pair clerks for the majority side and two pair clerks for the minority side, and when the majority side cut off one of their pair clerks we did not cut off one of our pair clerks on the minority side. I assume as a matter of fact, if there were two minority pair clerks and two majority pair clerks, they would endeavor to protect both sides impartially, and it is largely work that is done regardless of partisanship. There are enough to take care of the Members of the House on these questions.

Mr. GARNER. As a matter of fact, in exercising our economy we proceeded to exercise it with reference to the majority employees, without applying the same rule with respect to the minority employees.

Mr. MANN. I will say to the gentleman that I would have to think some time to know who are the minority pair clerks, so that I call on the minority employees and the majority employees, perhaps indiscriminately, probably as often and perhaps oftener than any other Member of the House. I call upon them for various duties, and upon the various employees of the minority, regardless of whether they are pair clerks or not, and ask them to do certain things. They are kept pretty busy.

Mr. GARNER. My purpose in making the inquiry of the gentleman was a double purpose. First, I wanted to call his attention to the fact that there is no effort now, the first time we have had opportunity to control in the matter, to apply the same rules on the minority side that we apply to the majority side, for the reason that heretofore when we were in the minority we have had these identical employees, and I for one contend that that having been done, it should be done now. But I will say that I find upon investigation that these two men have all the work they can do when Congress is in session.

Mr. MANN. I think they have. You have two pair clerks when you want them. We make use of them at other times for other things, I think, in the House.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For clerk to the conference minority of the House of Representatives, \$2,000; assistant clerk, \$1,800; in all, \$3,800. Said clerk and assistant clerk to be appointed by the chairman of the conference minority.

Mr. MANN. Mr. Chairman, I move to strike out, in line 25, the figures "1,800" and insert in lieu thereof the figures "1,200," and, following that, insert "janitor, \$1,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On page 18, line 25, strike out the figures "1,800," and insert in lieu thereof "1,200."

Mr. MANN. And insert "janitor, \$1,000."

Mr. FITZGERALD. That is in accordance with the resolution?

Mr. MANN. This is in accordance with the resolution of the House. I will say, Mr. Chairman, that the bill and the present law provide for the minority leader a clerk at \$2,000 and an assistant clerk at \$1,200. In December last I asked the Committee on Accounts to give me a janitor at \$1,000 and to reduce the salary of the assistant clerk from \$1,800 to \$1,200, because I had to have a janitor. That action was taken; the House passed a resolution to that effect on the 19th of December, so that the amendment which I have offered is now in order under the rules of the House.

Mr. BARTLETT. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. MANN. Certainly.

Mr. PALMER. Would it not be proper to amend the first line of the paragraph on page 18, referring to the conference minority, by adding "janitor and assistant clerk"?

Mr. MANN. Yes; it could be done.

Mr. BARTLETT. Has this resolution been complied with by paying the money out of the contingent fund?

Mr. MANN. Yes.

Mr. GARNER. That is according to the arrangement.

Mr. MANN. The House passed the following resolution on December 19, 1911:

House resolution 325.

Resolved, That the chairman of the conference minority is hereby authorized to appoint a clerk at the rate of \$1,200 per annum and a janitor at the rate of \$1,000 per annum, to be paid out of the contingent fund of the House, payable monthly until otherwise provided by law, such appointment to date from December 1, 1911, and to be in lieu of one clerk now provided for at the rate of \$1,800 per annum.

Mr. BARTLETT. And this is in accordance with the resolution that the House adopted?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. The paragraph refers twice to the "conference minority." That term has been criticized, so far as good English is concerned. It seems to me the word "conference" ought to be stricken out.

Mr. BARTLETT. The act which authorized these positions under the conference minority was enacted some years ago. Mr. Richardson of Tennessee offered the resolution when he was minority leader, and that is what it was called and has been called in the law ever since.

Mr. MANN. It was called that, I suppose, to distinguish it from the chairman of the Republican caucus, and I think the same language is used in the Senate; why, I do not know, but it is in the law.

Mr. BARTLETT. That is what it is called in the law, and has been ever since.

Mr. MOORE of Pennsylvania. It would perhaps be better expressed if the word "conference" was left out.

Mr. MANN. The chairman of the minority might be chairman of the Republican caucus.

Mr. MOORE of Pennsylvania. Why should it not be the minority caucus chairman?

Mr. GARNER. Does the gentleman think the chairman of the caucus of the minority or of the majority ought to have a clerk at \$2,000, an assistant clerk at \$1,200, and a janitor?

Mr. MOORE of Pennsylvania. These places are conceded to the minority. It is a question what the "conference minority" means.

Mr. MANN. What the "conference minority" means is well known by the accounting officers, and there is no question about it.

Mr. MOORE of Pennsylvania. I am satisfied to draw attention to it.

The CHAIRMAN. The clerk will again report the amendment.

The Clerk read as follows:

Page 18, line 25, strike out "\$1,800" and insert in lieu thereof "\$1,200," and insert "janitor, \$1,000."

The amendment was agreed to.

Mr. MANN. I ask to have the total, \$3,800, changed to \$4,200.

The CHAIRMAN. If there is no objection, the Clerk will change the totals.

Mr. MANN. And strike out the word "and," between "clerk" and "assistant clerk," and insert a comma; and add, after the second word "clerk," in line 19, the words "and janitor."

The CHAIRMAN. If there be no objection, this amendment will be agreed to.

There was no objection.

The Clerk read as follows:

For janitor for rooms of official reporters of debates, at \$60 per month during the session, \$240.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the words "during the session, \$240."

The CHAIRMAN. The clerk will report the amendment.

The Clerk read as follows:

Line 16, page 19, strike out the words "during the session, \$240."

Mr. JOHNSON of South Carolina. The object of this amendment is this: The Committee on Accounts authorized a janitor for the Official Reporters' room. The Committee on Appropriations were under the impression that it was a session janitor, but we are now informed that the resolution intended an annual janitor.

Mr. MANN. The amendment ought to carry the total. It does not make any appropriation now.

Mr. GARNER. Strike out "two hundred and forty" and insert "seven hundred and twenty."

The CHAIRMAN. The Clerk will again report the amendment, if there be no objection.

Mr. JOHNSON of South Carolina. The amendment I offered is to strike out the words "during the session, \$240." It will then provide for \$60 a month. Of course, if it is annual, it is a mere matter of calculation.

Mr. MANN. I think the total ought to be put in.

Mr. GARNER. Put in \$720. I ask that the clerk report the amendment again.

Mr. JOHNSON of South Carolina. I have no objection to putting in "\$720."

The Clerk read as follows:

Page 19, line 16, after the word "month," strike out the words "during the session, \$240."

Mr. MANN. I move to amend.

Mr. BARTLETT. Let us adopt that amendment first.

Mr. MANN. I move to amend by inserting "\$720."

The CHAIRMAN. The gentleman from Illinois moves an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 19, lines 15 and 16, to read "for janitor for rooms of official reporters of debates, at \$60 per month, \$720."

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

Stenographers to committees: Four stenographers to committees, at \$5,000 each; in all, \$20,000.

Mr. GARNER. Mr. Chairman, I move to strike out the last word.

In the reorganization of the House at the beginning of the special session, the janitor to the official reporters and the janitor to the committee stenographers were stricken out, but in a resolution introduced by the gentleman from Pennsylvania [Mr. PALMER] after investigating the situation fully, he proposed to restore these two places. The Committee on Accounts had hearings and came to the conclusion that these two places ought to be restored. But no resolution has been introduced and no action taken other than the action in reference to the janitor for the official reporters. The situation is this. The stenographers to committees are now paying a salary to a janitor to the committee rooms. That janitor not only cleans up the various rooms occupied by the stenographers to committees, but answers the telephone calls, which is an important factor to men occupied all the time as they are, and then he performs another service in the way of paring cylinders for the phonographs which they use, and other necessary services for those gentlemen.

Mr. JOHNSON of South Carolina. If the gentleman will pardon me, I will say that if he will offer his amendment we will vote on it.

Mr. GARNER. Very well; I did not want to offer it without making some explanation. Mr. Chairman, I move to insert between lines 18 and 19, on page 19, the following:

For janitor to rooms of stenographers to committees, at \$60 per month, \$720.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Between lines 18 and 19, page 19, insert as a new paragraph: "For janitor to rooms of stenographers to committees, at \$60 per month, \$720."

The amendment was agreed to.

The Clerk read as follows:

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire, necessarily employed by him in the discharge of his official and representative duties, \$1,500 per annum, in monthly installments, \$618.975, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Mr. CANNON. Mr. Chairman, I move the following amendment:

In line 2, page 20, strike out the figures \$1,500 and insert the figures \$2,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 20, line 2, strike out the figures \$1,500 and insert the figures \$2,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve a point of order against that.

Mr. RUCKER of Colorado rose.

Mr. CANNON. If the gentleman from Colorado [Mr. RUCKER] wishes to speak to the point of order, I will yield to him.

Mr. RUCKER of Colorado. The gentleman from Illinois can proceed, and I will discuss the point of order later.

Mr. CANNON. I have no desire to talk about it if the point of order is well taken.

The CHAIRMAN. The gentleman from Illinois states that he does not care to discuss the amendment until the point of order is decided. The gentleman from South Carolina makes the point of order, and the Chair will hear the gentleman on that point of order.

Mr. RUCKER of Colorado. I understood that the gentleman from South Carolina reserved the point of order, and I would not like to discuss it now because it might cut off the gentleman from Illinois.

Mr. CANNON. I have no desire to speak if the point of order is well taken.

The CHAIRMAN. The gentleman from Illinois stated that he did not desire to have the point of order reserved. Will the gentleman from South Carolina state his point of order?

Mr. JOHNSON of South Carolina. Mr. Chairman, the proposition is to increase the pay of the secretaries to Members from \$1,500 to \$2,000 per annum. There is no law to pay such an amount of \$2,000. We are now paying them \$1,500 under the annual appropriation bill. The \$1,500 is justified on the ground not that there is any law for it specifically, but on the ground that it has been provided for year after year. The gentleman's amendment is to increase it to \$2,000, and I think it is clearly subject to a point of order.

Mr. RUCKER of Colorado. Mr. Chairman, the gentleman from South Carolina does not state the proposition in its entirety. It is not an appropriation for the salary of the clerk. If the gentleman's point of order is well taken, it ought to be made to the entire paragraph. It is not an appropriation for the salary of the clerk, it is an appropriation to the Members of Congress and the Delegates, and therefore it is not subject to the point of order which he has made. If he will make his point of order against the entire paragraph, it might be entitled to more consideration.

We had this matter up two years ago on the motion made by myself to increase this appropriation from \$1,500 to \$2,000—not an appropriation for the clerk's salary, but an appropriation to the Members of Congress, who had the right to expend it as they saw proper, and the resolution further provided, not that the sum should be entirely used for the employment, but only such part as might be needed.

Mr. MURDOCK. Will the gentleman yield?

Mr. RUCKER of Colorado. Yes.

Mr. MURDOCK. Is it the gentleman's position that while the paragraph is subject to a point of order and the point of order is not made, then an amendment to the paragraph is not subject to a point of order?

Mr. RUCKER of Colorado. Surely; because this amendment is therefore made germane to the paragraph itself. Now, Mr. Chairman, tactics of this character have occurred many times in this House, and likewise have occurred many times in our national politics, to the effect that Republicans are always on the lookout to steal the thunder from the Democratic side, and this instance is not an exception. It was originally intended for me to offer this amendment, because I made the same effort on the floor of the House two years ago; but my genial friend from Illinois [Mr. CANNON] anticipated me, but I absolve him from that ulterior motive.

The CHAIRMAN. The Chair will ask the gentleman from Colorado to address himself to the point of order.

Mr. RUCKER of Colorado. I was going to say, Mr. Chairman, that my remarks always sparkle like diamonds when I am discussing anything that I know something about, but when I am assigned to a question on a point of order I have to wander a little bit to gather myself to even look at the proposition. [Laughter.] I could not show up here at all as even a spurious gem of radiance in the discussion of a point of order, and had it not been for the fact that my friend from Illinois [Mr. CANNON] asked me to, knowing I had gone through this mill before, I would not assume the task we doubtless had in view that when the point of order was made by the gentleman from Massachusetts [Mr. GILLET] the laboring oar was thrown toward me with the gentleman from New Hampshire [Mr. CURRIER]—who, by the way, was as great a parliamentarian as we had in the House at that time, and nearly always occupied the chair when questions of importance were coming up—in the chair. The Speaker, my friend from Illinois [Mr. CANNON], usually put him in the chair in important matters, and even the gentleman from New Hampshire got rattled at first when the gentleman from Massachusetts [Mr. GILLET] made the point of order against my amendment, but he soon righted himself and reversed himself, and decided that the point of order was not well taken. [Applause.]

Now, I have given to the Chairman [Mr. UNDERWOOD], whom I hope will be as good a parliamentarian as he will make a Presi-

dent, and whom I know of course to be a great parliamentarian, all the data necessary for an intelligent disposition of the point—I will not say he is any less a parliamentarian than my friend from New Hampshire [Mr. CURRIER]—but nevertheless I knew that on account of his limitations it was necessary for him to be advised in advance of my views and of the point of order I anticipated might be made by my friend from South Carolina. So I submitted the authority to him, and it occurs to me in this view that the question is settled. We have got a precedent, and the only precedent that we can go by, and I do hope that this Democratic Congress will not go back upon precedents that are so well founded in point of law and common sense as this one. [Applause.]

Mr. CANNON. Mr. Chairman, as I understand the facts to be, there was legislation—and I will ask the gentleman from New York to correct me if I am in error—by a joint resolution fixing the allowance to clerks of Members at \$1,200. Am I correct?

Mr. RUCKER of Colorado. That is correct.

Mr. CANNON. Subsequently Congress session after session appropriated \$1,500. Now, I do not claim that the appropriation of \$1,500 without changing the law—merely appropriating the money—makes a precedent of existing law. Perhaps the decisions have been both ways about that matter, but I do claim—

The CHAIRMAN. Will the gentleman from Illinois allow the Chair to ask a question?

Mr. CANNON. Certainly.

The CHAIRMAN. Is there any law now on the statute books fixing this salary at any amount?

Mr. MANN. Twelve hundred dollars.

Mr. CANNON. Yes; fixing it, as I am informed by, I think, reliable authority, at \$1,200; but here is a provision appropriating \$1,500. Now, then, no point of order was made upon the \$1,500, but there was an amendment offered to take that provision which was subject to the point of order and increase it by a germane amendment to \$2,000. In other words, here is a child not authorized by law appropriated for by the committee too late to offer a point of order as against the \$1,500, and an amendment has been offered, and it is germane. I think that is all I desire to say.

Mr. FITZGERALD. Mr. Chairman, I do not agree with the gentleman from Illinois. This is what is known as an allowance for clerk hire, and the provision in the current law provides for a specific allowance to Members of Congress to pay clerks necessarily employed by them. The dictionary defines an allowance to be an act of authorization. I take it that the change in the law that has been made allows a Member of Congress for clerk hire at the rate of \$1,500 a year. I do not believe that the provision in the bill is subject to the point of order. Here is a limitation of \$1,500 as the amount that can be paid to Members of Congress for clerk hire and that amount has been fixed. These provisions have now been carried for some five or six years. It seems to me any attempt to increase the amount to which the Member is limited is in effect an increase in the compensation and subject to the point of order.

The CHAIRMAN. The Chair is ready to rule. The law at present provides that clerk hire for each Member of Congress shall be \$1,200. That is the existing law. The committee has reported a paragraph to this bill providing that the clerk hire of Members of Congress shall be \$1,500 a year. If a point of order had been made against the paragraph in time the Chair would have held that it was subject to the point of order, because it was contrary to existing law. No point of order having been made against the paragraph, it comes before this House in the condition that a new amendment would come before the House that was offered that was subject to the point of order, and the point of order not having been made, it would be in order to offer a germane amendment. Now, in Hinds' Precedents, volume 4, paragraph 3823, the same proposition was before the House, and the Chair will ask the Clerk to read the paragraph.

The Clerk read as follows:

Hinds' Precedents, volume 4, paragraph 3823, page 553:

"A paragraph which proposes legislation in a general appropriation bill being permitted to remain, it may be perfected by a germane amendment. On December 21, 1896, the House, in Committee of the Whole House on the state of the Union, was considering the legislative, executive, and judicial appropriation bill, and the paragraph relating to the organization of the Library of Congress had been reached, when Mr. FREDERICK H. GILLET, of Massachusetts, offered this amendment:

"All the above appointments, except the librarian and two assistants, are to be made from lists of eligibles to be submitted by the Civil Service Commission, under their rules, who are hereby empowered to hold examinations for all the above positions."

"Mr. William A. Stone, of Pennsylvania, made the point of order that the amendment changed existing law."

"After debate, the Chairman ruled:

"This bill when reported to the House contained, in the paragraph relating to the Library of Congress, that which is manifestly on its

face new legislation. This would have been subject to a point of order under the provisions of Rule XXI, section 2. No such point of order was made, and the bill therefore was sent by the House to the Committee of the Whole for consideration just as it was reported and in its entirety. Under these circumstances, as has been heretofore several times ruled, no point of order could be made in the committee against the paragraph on the ground that it contained new legislation. The committee, in other words, could not refuse to consider what the House had sent to it for consideration. But the right of consideration involves also the right of amendment; that is to say, the committee has the right to perfect as it may see fit the matter submitted to it. For these reasons the point of order is overruled."

The CHAIRMAN. Now, the proposition pending before the House is in the same position as if it were offered as an independent amendment that was subject to the point of order, but the point of order not being made, it is open to a germane amendment. The Chair for that reason overrules the point of order.

Mr. CANNON. Mr. Chairman, I do not desire to detain the committee beyond a very few sentences. I am here to say that my belief is, and certainly I know from personal experience, that \$1,500 does not cover the cost of clerical assistance that I am required to have to perform my duties as a Member of Congress touching and incident to legislation, and I doubt if \$1,500 will do it for any Member. I can not always get a competent clerk who is a stenographer and typewriter. You have at times, under stress, to have assistance additional to the one person. The Senate of the United States, and I am not criticizing that body, but the gentleman from Illinois [Mr. MANN] stated, and truthfully, that that body of 94 or 96 Senators as against our 400 people in round numbers, soon to be 433, has in the shape of assistance touching legislation and the performance of their duty as legislators an amount two times what this body, consisting of 400 people, has. We do not make any question with the Senate. The Senate takes the position, which will have to be conceded, that that is a matter personal to their duties and that they are the judges of it. That we concede, and we do not claim we are legislating for them by insisting upon a provision which will render us competent from the standpoint of clerical help and assistance, which it is desirable should be something more than clerical help and embrace a knowledge of legislation and of procedure.

Two thousand dollars is a modest and proper allowance. Therefore I offer the amendment and shall vote for it. [Applause.]

Mr. LEVER. Mr. Chairman, I propose to support the amendment of the gentleman from Illinois [Mr. CANNON], and I do it for the reason, in addition to the reasons stated by the gentleman from Illinois, that it is almost impossible to get the necessary clerical help for \$1,500 to do the work of an average Member of Congress. I make it a rule in my business to answer every letter and every postal card that comes to me in the course of my correspondence, and it is proper that I should do so. The public is entitled to it. It makes it necessary for my clerk to answer anywhere from 75 to 100 letters every day. In addition to that, it is incumbent upon him when I am in attendance upon my committee meetings, as I am every day in the year when I am here, to go to the departments and attend to the business that comes into my office in the ordinary course of my work. I can not do it and he has not the time to do it. I would like to see this salary increased to a point where it would permit me to employ a man who could attend to my departmental duties—or a woman, as my friend from Colorado [Mr. RUCKER] suggests—and to attend to my duties in the office and give me a chance to do the work of my office.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. LEVER. I will.

Mr. FITZGERALD. I would like to ask if the gentleman and his clerk can not attend to all of his duties—

Mr. LEVER. I am attending to my duties in a way satisfactory to my constituents.

Mr. FITZGERALD. I did not say that. You said the pressure was so great that he could not attend to them. Will this additional salary enable him to attend to them?

Mr. LEVER. I think so, and for this reason: I do not expect to get two clerks at \$1,000 each who will attend to the duties of my office, but I do expect by giving to my clerk \$2,000 in toto to permit him to employ somebody who is willing to serve at \$40 or \$50 a month to take care of the routine of my office, addressing seed slips, addressing speeches, write the ordinary letters that come into my office and every office every day in the year, which anybody can answer, and permit my real clerk to attend to the departmental work, while I care for the bigger things that I, as a Member of Congress, on account of my duties as such, can not take care of.

My committee, the Committee on Agriculture, meets practically every day in the week. It meets at 10.30 o'clock in the morning. I have to be there at that time. I can not attend to

the thousand and one demands upon me in the departments and attend to my larger duties as a Member of Congress. The people in my district have a right to have their minor propositions in the departments attended to.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. What I would like to say is this: That there should be authorized to be employed by a Member of Congress some person who should take up the departmental work of the Members of Congress and permit the Member of Congress to do the larger duties of a Member. Instead of having to run from 8.30 o'clock in the morning from department to department, doing messenger service, make that Member of Congress get down square to his desk and solve the bigger problems of legislation. That would be real business and sense.

You can not do it as you are doing it now. And the result is that we come into this House from time to time with great big propositions that are ill considered, that are hastily considered, and that do not meet, when we bring them here, the views of the majority of the House. I am willing, as far as I am concerned, to go down to my district and meet my people, as they are a conservative, sensible people, on this proposition of economy. I do not believe that the people of my district have ever failed or will fail to distinguish between an extravagant expenditure and an economical investment. [Applause.]

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. LEVER. Not just now. And I regard the proposition of furnishing to a Member of Congress sufficient machinery to help him carry on the business of his great office and representing all the people as a proposition not of expenditure but of economical investment. [Applause.]

Mr. FOWLER. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by substituting "\$1,200" instead of "\$2,000."

[Mr. FOWLER addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I am opposed to this amendment.

Mr. SIMS. Which one?

Mr. FITZGERALD. The amendment offered by the gentleman from Illinois.

Mr. SIMS. There are several gentlemen from Illinois. Which one?

Mr. FITZGERALD. I mean the senior one, who for so many years gained such distinction and reputation as an economist, and who seems now to have strayed far from his early standards. I believe the House should have some facts presented to it before it attempts to vote for the amendment.

This amendment adds \$216,000 to the amount of money paid to Members of the House for clerk hire. This Congress at the outset practically reduced the compensation of every employee in the House except those personal to the Members of Congress. It refused to appropriate an extra month's compensation, which for more than 30 or 40 years had been given to the employees of the House. Gentlemen do not need clerks of the character described by the gentleman from South Carolina [Mr. LEVER] to perform their congressional duties. They need clerks to perform their political duties, to keep them in Congress. [Laughter.] Those clerks are engaged not in performing great public services, but in trying to cultivate a public opinion favorable to the Members of the House.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Not at present. I know as much about it as the gentleman from Colorado.

Mr. RUCKER of Colorado. A great deal more.

Mr. LEVER. In the opinion of the gentleman from New York.

Mr. FITZGERALD. I am engaged in the same sort of work myself, and I employ assistance when I require that character of work, when the allowance made to me by the Government is insufficient.

We might as well be honest about this thing. This is not an appropriation to put on the rolls additional employees. It is to increase the amount of money that goes to the individual Member, to be disbursed by him for clerical services.

I am greatly gratified at the action of the gentleman from South Carolina [Mr. LEVER] for his assistance to the Democratic Party in its attempt to make some record for economy at this session of Congress. He has pulled a laboring oar all through this session.

I have not found him endeavoring to help the committee any or the party any. The gentleman from Illinois [Mr. MANN] boasted at the last session that before the Democrats had finished in this Congress they would be appropriating more for the service of this House than any party ever in its history had appropriated, and his able lieutenant [Mr. CANNON] for the first time in my experience is found proposing an amendment to add \$216,000 to the cost of maintaining the House and its servants.

Mr. FOWLER. It is more than that.

Mr. FITZGERALD. There may be some justification to afford Members of Congress additional clerical hire at this particular time. Some of them will need it before next November, if they continue as they have been going during the present session of Congress. They will need more than clerk hire. [Laughter.] They will need an eloquence that has not been attained in the history of civilized or uncivilized men to convince some constituencies that their record justifies their continuance in this House.

We might as well face this proposition squarely. Is the Democratic Party honest? Is it sincere? Does it mean what it proclaims or has it been hippodroming? Is it refusing to increase the compensation of employees in every department of the Government in an attempt to stop the tremendous outpouring of money from the Federal Treasury only to succumb to the proposition that the allowance to Members of this House for clerk hire shall be increased 33 per cent?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I am not a leader in this House. I am just a humble Member. I have tried to follow my party when I thought my party was right. I believe in economy, as does the gentleman from New York [Mr. FITZGERALD]; but I believe in that economy which looks to real economy, and not to that class of economy which is an absolute handicap upon the efficiency of the Members of Congress and the efficiency of the governmental agencies. [Applause.] I am a member of the Agricultural Committee, a committee which I regard to be as big a committee, if that is possible, as the Committee on Appropriations; and I think I can state, as demonstrated by the records of my committee, that "the gentleman from South Carolina," referred to by the gentleman from New York, can show a record of real economy upon that committee greater by 50 per cent than is shown upon the bill introduced here to-day. [Applause.] The Committee on Agriculture, with a bill involving in total annual appropriations about \$17,000,000, reduced that bill as against last year \$1,400,000 and more. [Applause.] And those reductions were such as did not impair the service of the Department of Agriculture. This committee to-day comes in here with a bill carrying appropriations in the neighborhood of \$30,000,000 and reduces it to the extent of about \$2,000,000 or a little more, a bagatelle in comparison.

Mr. FITZGERALD. Two million six hundred thousand dollars.

Mr. LEVER. Two million six hundred thousand dollars, as the gentleman from New York says; and I submit that the Agricultural Committee, of which I am a member and which the gentleman from New York [Mr. FITZGERALD] attacks, has made a reduction in expenditures greater by 50 per cent or more in comparison as against his own committee, and he can not deny it. I do not propose to stand here on the floor of this House and permit even the great chairman of the Committee on Appropriations to give to the country the impression that I am not willing to reduce expenditures and that he is the only economist in this House. [Applause.] But I do propose to stand and let the gentleman from New York know that the "little man from South Carolina" has sense enough to know the real difference between an expenditure and an investment. [Applause.]

Mr. FITZGERALD. The gentleman talks about the extraordinary reductions made by the Committee on Agriculture. Eight hundred thousand dollars of his \$1,400,000 reduction was in the emergency appropriation of \$1,000,000 and did not affect the service of the department in the slightest degree.

Mr. LEVER. I will say to the gentleman from New York that I discussed that proposition with a hundred Members on the floor of this House, and perhaps I was unfortunate when I did not discuss it with the gentleman from New York. [Applause.] I showed then that a man might be worth \$10,000,000, and if he could not get his paws upon it he would

not be worth 10 cents, and when we opened the doors of the Treasury to \$1,000,000 we put it back into currency.

The Senate of the United States, in reporting the agricultural bill, has put back into it the \$1,000,000 that we of the Committee on Agriculture cut out. We have been real economists and not cheap economists. [Applause.]

Mr. RUCKER of Colorado. Mr. Chairman—

The CHAIRMAN. All time on this amendment has expired. The question is on the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The question being taken, on a division (demanded by Mr. FOWLER) there were—ayes 3, noes 90.

Mr. FOWLER. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members, a quorum of the Committee of the Whole is present. The noes have it, and the amendment is rejected. The question now recurs on the amendment of the gentleman from Illinois [Mr. CANNON]. On that amendment all debate is exhausted.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from South Carolina moves to strike out the last word.

Mr. JOHNSON of South Carolina. Mr. Chairman, of all the duties that can devolve upon a Member of Congress, the duty of making up the legislative, executive, and judicial appropriation bill is the most difficult. This bill provides for the compensation of 15,000 Government employees. It is an ungracious thing, it is an unpleasant thing, to stand out against the importunities of the 15,000 employees and their friends.

My own personal inclination would be to increase, and to increase liberally, the compensation of every person in the service of the Government; but, gentlemen, in 1898 this bill carried a total of twenty-one million and odd dollars. It has grown rapidly and constantly with each year. The current year it is \$36,000,000. The committee that made up this bill thought the time had come when a halt ought to be called. Notwithstanding the wish of the committee in many cases to increase compensation and to increase force, we have felt constrained to deny the increases.

It may be, gentlemen, that our conduct appears ungracious and harsh, but I assure the membership of this House that in discharging this unpleasant duty we have tried to be fair to the country. It has not been many years, gentlemen, since Members of Congress were not provided with any clerical help. In 1893 for the first time the Congress provided \$100 per month. In 1907, without any change in the law, a change was made in the appropriation to \$1,500. The proposition now before the House is to increase this amount 33½ per cent, or, in other words, to vote for our own comfort and for our own convenience \$219,000.

Mr. HAMLIN. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. HAMLIN. Does the gentleman think it is entirely accurate when he speaks of voting for our own comfort and convenience? Does he not think that the pay of our clerk hire, if the clerk is competent, is for the convenience of the people whom we represent in this House, rather than for ourselves? [Applause.]

Mr. JOHNSON of South Carolina. Oh, certainly; I understand that whatever duties we perform ourselves, or whatever duties we perform through our clerks, are for the convenience of our constituents.

Mr. HAMLIN. Then, ought the gentleman in all fairness to characterize it as being for our comfort and convenience? Ought we not to pay our clerks whatever is necessary for the convenience of our constituents?

[The time of Mr. JOHNSON of South Carolina having expired, by unanimous consent he was given five minutes more.]

Mr. MANN. Mr. Chairman, I ask unanimous consent that the debate on this amendment may close in five minutes, the gentleman from South Carolina to have the time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the debate close in five minutes, and the gentleman from South Carolina to have that time. Is there objection?

Mr. AUSTIN. I object.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question. The gentleman is discussing this matter so seriously that he seems to think there is some apprehension that this amendment may be agreed to.

Mr. JOHNSON of South Carolina. I do.

Mr. SIMS. You could not pass it with a steam roller.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from South Carolina moves that all debate on this amendment close in five minutes.

The question was taken, and the motion was agreed to.

Mr. FOWLER. Mr. Chairman, I desire to ask the gentleman from South Carolina a question.

Mr. JOHNSON of South Carolina. I will yield to the gentleman.

Mr. FOWLER. Does the gentleman know any Member of this House who would not accept the position of a Congressman without any clerk hire at all?

Mr. JOHNSON of South Carolina. I suppose we would all be glad to come to Congress. We ought to be proud to have the confidence and respect of 200,000 American citizens, whether we have one or a dozen clerks. Gentlemen, I never longed for wealth and luxury; I know the people in poverty.

I have walked the ways that they walk. I know that even sometimes forget, amid the luxurious surroundings of the National Capital, the millions of people who are back on the hill-sides and down in the valleys. As for me, I would rather continue to know those people, to know how they live, to know how they think and what they feel, than to dress in purple and fine linen and fare sumptuously every day.

When you talk about economy that makes for good government, when you vote in this House \$2,000 for clerical help to assist you in your reelections, do not forget that there are 14,000,000 families in the United States who live on \$600 a year or less. [Applause.] Do not forget that the man who has charge of the section hands on the railroad, the man who plows, and the man who works in the shop and in the factories, out of his meager earnings, must contribute the money that you propose now and here to vote to yourselves.

Mr. LEVER. Will my colleague yield?

Mr. JOHNSON of South Carolina. Well, the gentleman has had two speeches on this amendment.

Mr. LEVER. I only want to ask my friend if he regards the appropriation for clerk hire as an appropriation to help Members? I regard it as a governmental service.

Mr. FOSTER. How much political work does the gentleman's clerk do?

Mr. LEVER. None.

Mr. JOHNSON of South Carolina. Everybody knows that we use our clerks for political purposes to help us in our political campaign. [Applause.] There is no doubt about that. Gentlemen, it would be something that you could not face this country on to deny to 15,000 people in the governmental departments an increase of salary, and yet vote to increase the salary of your own help 33½ per cent. It is more the moral effect of what we propose to do than the actual amount of money it would take out of the Treasury.

But I want to say now that while I have stood resolutely against appeals that have been made to me, although in my heart of hearts I wanted to do what I was asked to do; I want to say that after standing out and assuming an attitude that appears so ungracious, that appears so hard-hearted, that appears so cruel, that makes one appear as if he had none of the milk of human kindness in him—I say that if this House undertakes to load down this appropriation with this proposition you can not expect the members of this committee to bear the odium of standing out against 15,000 people's importunities. If you can not deny yourselves, how do you expect us to deny them? [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired; all time has expired. The question is on the adoption of the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken; and on a division (demanded by Mr. CANNON) there were—ayes 56, noes 48.

Mr. FOSTER and Mr. BEALL of Texas demanded tellers. Tellers were ordered.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. FOSTER) there were—ayes 44, noes 54.

Mr. BEALL of Texas demanded tellers. Tellers were ordered.

The Chair appointed as tellers Mr. RUCKER of Colorado and Mr. FITZGERALD.

The committee again divided; and the tellers reported that there were—ayes 49, noes 54.

So the committee refused to rise.

The CHAIRMAN. Tellers having been ordered on the amendment of the gentleman from Illinois, the Chair will designate

the gentleman from Illinois, Mr. CANNON, and the gentleman from South Carolina, Mr. JOHNSON, as tellers.

Mr. CANNON. Will the Chair designate the gentleman from Colorado instead of myself?

The CHAIRMAN. The Chair will designate the gentleman from Colorado in place of the gentleman from Illinois.

The committee again divided; and the tellers reported that there were—ayes 53, noes 48.

So the amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by adding to the section the following: "Provided, That all clerks to Members and Delegates shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member or Delegate by whom they are appointed, and any Member or Delegate may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member or Delegate making such appointment."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BARTLETT. Will the gentleman state what his point of order is?

Mr. FITZGERALD. That it is not germane—

Mr. BARTLETT. Certainly it is.

The CHAIRMAN. The Chair will ask the gentleman not to reserve the point of order.

Mr. FITZGERALD. Then I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. FITZGERALD. The provision in the bill provides for the payment to Members of Congress of compensation in a certain sum for necessary clerk hire. This amendment provides that certain clerks shall be made employees of the House and placed on the rolls, a legislative provision not at all germane to this provision. This question, Mr. Chairman, has in other sessions of Congress been presented in this form and the point of order has been sustained.

The CHAIRMAN. The Chair will ask the gentleman from New York to address himself to this point. This whole paragraph was out of order; it is new legislation. It seems to the Chair that the amendment offered by the gentleman from Georgia is germane to the pending proposition. If it is germane and the original proposition was contrary to existing law, the point of order not being made, I will ask the gentleman to advise the Chair as to whether or not a germane amendment seeking a limitation on the original proposition is not in order. The Chair would like to hear from the gentleman on that.

Mr. FITZGERALD. Mr. Chairman, the provision in the bill is to pay each Member, Delegate, and Resident Commissioner for clerk hire necessarily employed by him in the discharge of his official duties so much per annum. The provision offered by the gentleman from Georgia is to create new employees of the House. The clerks now employed by Members are not employees of the House; they are not part of the personal services of the House; it is an allowance to the Member himself that is given under the bill, to be disbursed by him. In previous sessions—and I shall try to have one located in a moment—the same question has been before the House in the same form, and it has been invariably held that such a provision is not germane. The provision in the bill is not to appropriate for employees of the House, but the provision of the gentleman from Georgia is to create certain employees and place them upon the rolls of the House.

Mr. MANN. Mr. Chairman, the paragraph in the bill would not have been subject to the point of order in the first place if it had carried \$1,200 instead of \$1,500 per annum, so that the only thing in the paragraph which made it subject to the point of order was the mere amount that was carried. The resolution which authorized the payment of clerical hire in the first instance was \$1,200 instead of \$1,500, as carried in the bill. Now, that made the paragraph subject to the point of order. That made the amendment offered by my colleague in order, because it was addressed to the point which made the original paragraph subject to the point of order; but the rule, Mr. Chairman, has always been that although a paragraph subject to the point of order is subject to amendment, it must be of a subject matter of the same character, must be concerning the subject matter which made the original paragraph subject to the point of order, and the latitude of amendment is not as wide as it is on ordinary amendments. The rulings have been consistent that although an amendment may be germane, it is yet not in order upon a paragraph which was subject to a point of order if it introduces a new subject matter. Now, this amendment pending introduces an entirely new subject matter. It does not

relate to the amount to be paid to the clerk at all, and the point which made the paragraph subject to amendment was the provision fixing the amount payable to Members for clerk hire. Now, another proposition comes up, relating to an entirely different subject matter, which, though it may be germane to the original paragraph itself, is not germane to the point which made the original paragraph amendable. Here is a proposition now to add clerks upon the roll, introducing another subject, and I have no doubt the Chair has before him the rulings which show that where it introduces another subject it is subject to the point of order.

Mr. AUSTIN. Mr. Chairman—

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized.

Mr. AUSTIN. I would like to have the attention of the chairman of the Committee on Appropriations [Mr. FITZGERALD].

Mr. FITZGERALD. I prefer the gentleman would address the Chair. I am not going to discuss the merits of this at all.

Mr. AUSTIN. I would like to appeal to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. I decline to listen to the gentleman.

Mr. AUSTIN. This question involves the honor of the membership of this House.

The CHAIRMAN. If the gentleman from Tennessee desires to address himself to the point of order, the Chair will hear him.

Mr. AUSTIN. Mr. Chairman, I trust the present occupant of the chair can see his way clear to rule this amendment in order. As I said, it involves the honor of every Member of this House. We are constantly accused of voting this money for clerk hire and putting it in our pockets, and as long as the law remains as it is it will give an opportunity to those who wish to misrepresent and traduce us a chance to make this charge.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] must address himself to the point of order.

Mr. AUSTIN. And I hope there can be found in the rules and the precedents something upon which the Chairman can base a decision that will relieve us from an unjust insinuation of this kind.

Mr. MANN. Mr. Chairman, may I call the attention of the Chair to the Manual, page 405, paragraph 824, the second paragraph on the page, referring to paragraphs containing legislation, as follows:

A paragraph which proposes legislation being permitted to remain may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation.

And the citations are given to Hinds' Precedents.

The CHAIRMAN. The Chair agrees with the gentleman from Illinois on that proposition. That is clear. The Chair will ask the gentleman from Illinois the question he asked a while ago—whether this is additional legislation or whether it is legislation that limits the operation of the preceding paragraph?

Mr. MANN. This is additional legislation, clearly. That paragraph carries only what is now authorized by law, except as to the amount. This is additional legislation—new legislation, in my judgment.

Mr. FITZGERALD. It is a limitation on the expenditure of the money.

The CHAIRMAN. The Chair does not so regard it. But the Chair will be glad to hear from the gentleman from New York [Mr. FITZGERALD] as to whether or not this language is merely directory of how these clerks shall be carried and how they shall be appointed?

Mr. FITZGERALD. Mr. Chairman, in the first place, there is no provision whatever as to the employment of clerks. The law is that there shall be paid to the Members of Congress a certain sum for clerk hire. It does not say that the Member shall pay that money in compensation in any particular way. It does not say that he shall have to pay it at any particular time; but it pays him money for clerk hire. The amendment of the gentleman from Illinois [Mr. CANNON] was in order because the limitation to the amount had been changed.

I will read in a moment the statute as it now exists. This provision is:

That all clerks to Members and Delegates—

There are no clerks to Members and Delegates provided by the statute—

shall be placed on the roll of employees of the House and subject to be removed at the will of the Members and Delegates by whom they are appointed. And any Member or Delegate may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member or Delegate making such appointment.

There is no authority in law for the appointment of clerks by either Members or Delegates.

The law is, under this statute of March 3, 1893—

That on and after April 1, 1893, each Member and Delegate of the House of Representatives may, on the first day of every month during the sessions of Congress, certify to the Clerk of the House of Representatives the amount which he has paid or agreed to pay for clerk hire necessarily employed by him in the discharge of his official and representative duties.

And so forth.

This statute provides that the Member shall certify to the Clerk of the House either the amount which he has paid or the amount which he has agreed to pay to the extent of \$1,500 a year. The Member is paid that sum in monthly installments by the Clerk.

Now, this amendment that they shall appoint clerks, to be placed on the rolls of the House by Members, for which there is not now any authority whatever, can not, in my opinion, be construed as germane to this provision. The only legislation that is in order because germane to this provision, by reason of the fact that the entire provision would have been subject to a point of order, is an amendment affecting the amount which under the law can be paid.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman yield.

Mr. FITZGERALD. Yes.

Mr. HAMLIN. Under that statute no Member can honestly draw a dollar of this money unless he solemnly certifies that he has either paid or promised to pay it out for clerk hire, can he?

Mr. FITZGERALD. I have read the statute.

Mr. HAMLIN. That is the statute, is it not?

Mr. FITZGERALD. I have read the statute.

Mr. HAMLIN. Is the gentleman not willing to commit himself?

Mr. FITZGERALD. I am not going to stand here and be catechised as to what Members can and can not do. I have read the law. It is clear to me, and it is clear to the gentleman from Missouri.

Mr. HAMLIN. I am not afraid to construe that law. The opinion of the gentleman and my opinion is that no Member can receive a dollar of that money unless he solemnly certifies that he has either paid or promised to pay it out for clerk hire. If that be true, to put the clerks on the roll and pay them directly does not, in fact, impugn the letter or spirit of the law a particle.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order.

Mr. FITZGERALD. I have quoted the statute, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BARTLETT] desire to speak to the point of order?

Mr. BARTLETT. If the Chair is ready to rule, I do not care to.

The CHAIRMAN. The Chair would be glad to hear from the gentleman from Georgia.

Mr. BARTLETT. The point of the gentleman from New York [Mr. FITZGERALD] is that this amendment is not germane. I question if the Chair has any doubt as to that proposition. The law establishes the payment of clerk hire to Members.

Mr. FITZGERALD. The amendment changes the law.

Mr. BARTLETT. If the gentleman had refrained from interrupting me and had allowed me to follow my line of argument I would have gotten, later on, to that proposition. My friend is prone to criticize the gentleman from Missouri for interrupting and yet he himself interrupts. We should proceed in a parliamentary manner. However, I have no objection to the interruption.

Mr. Chairman, this proposition is germane. Why? Because we have here for consideration the subject matter of clerk hire to Members and Delegates already provided for by law. The manner in which it is paid is provided for by law. The original statute provides that the amount should be \$100 per month during the sessions of Congress. The law was then amended so as to make it \$1,200 a year, and afterwards, on an appropriation bill, it was provided that the amount should be \$1,500 a year, and this bill contains a provision to pay \$1,500 not authorized by law.

The original statute provides that each Member shall certify to the Clerk of the House that he has paid or contracted to pay for clerical services either a part of the amount or the full amount, and we sign that certificate, along with the receipts for our salaries, and the amounts are paid out in checks.

True, the amount is paid to the Member, but I presume each Member does as I do and follows the practice that I have followed since I have been receiving the amount, namely, of indorsing that check over to the person who does the work; and

I do not believe that there is any man in the House who does not properly dispose of that amount of money. But I do know that there are people, who are not familiar with the facts, who charge that Members of the House pay out only a certain amount of that money and then dispose of the rest in a way different from that contemplated by the statute.

Now the subject matter here is clerks and clerk hire to Members. The very provision reads, Mr. Chairman, that Representatives and Delegates to Congress whose credentials are in due form and have been duly filed with the Clerk of the House, in accordance with section 31 of the Revised Statutes, shall be entitled to payment under this appropriation. Section 31 provides for a roll to be made up of the Members of the House, and the Members who go upon that roll are the men entitled to draw this money.

Now the proposition being to legislate in reference to clerk hire to Members and the law providing how it shall be disposed of and paid to the Members, this simply proposes to provide that it shall be paid by the Members to these people who are put upon the roll.

The Members still pay it, if they desire to do so, but the clerks go to the roll, to demonstrate to the House that the money of the Government appropriated for a certain purpose has been paid to the men who are entitled to receive it—it indicates to the House that the money has been paid to those who do the work as clerks to the Members, and who are as such clerks entitled to it, and the whole matter is made public, just as other persons who do service for the public as employees of the House are required to be placed on the rolls. It gives publicity and prevents criticism and disarms censure.

Now, Mr. Chairman, I do not desire to continue the discussion. The amendment is germane. We have engaged here in legislating about a proposition that is not authorized by law, so far as the amount is concerned. We have amended this provision of law by new legislation. I do not think this is such legislation as is forbidden by the rule. It simply provides the manner in which the money shall be spent; it limits the way in which it shall be paid out. I have offered it for the purpose of giving to this House an opportunity to do that which it ought to have done from the inception of this law, to wit, that the money shall be paid to the clerks, and thus insuring that these insinuations, innuendoes, and charges against the Members of the House, sometimes made, once and for all time may be met and dispelled. [Applause.]

Mr. OLMSTED. Mr. Chairman, this bill as it now stands does not appropriate to pay any clerks. It appropriates to pay each Member for clerk hire necessarily employed by him.

Now, the only illegality in this provision in the bill is simply in the matter of the amount to be paid to each Member—\$1,500—whereas the act of Congress says \$1,200. The amendment offered proposes a new, distinct, substantive proposition of direct legislation, not upon the question of the amount involved. I will simply take the time of the Chair and of the committee to call attention to the language of a ruling made on the 29th of March, 1904, the Chairman at that time being THEODORE E. BURTON, of Ohio, now sitting in the body at the other end of the Capitol. He said:

The Chair, though somewhat doubtful, thinks this is the best rule, that if a paragraph has been included in the bill which has in it a taint of illegality or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment; but if the paragraph which is proposed as an amendment carries a further degree of illegality, affecting the whole paragraph as amended, then it is not in order.

At a subsequent time a similar question came before the House. I find it reported in section 3837 of Hinds' Precedents. Mr. Sherman, of New York, now Vice President of the United States, ruled to the contrary. An appeal was taken, and the decision of the Chair was overruled by a vote of 86 to 109. It seems to me, upon these authorities and upon the plain proposition that this amendment bears an added taint of illegality, the point of order must be sustained.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry. I desire to know whether the amendment of the gentleman from Georgia proposes that the money for clerk hire shall be paid directly to the clerks?

Mr. BARTLETT. No.

Mr. COOPER. Or does it direct that the money shall be paid to the Member, and that he shall pay it to the clerk whose name is on the roll? I understood the gentleman from Pennsylvania [Mr. OLMSTED] to say that this was new legislation, because it would direct the payment of the money directly to the clerk instead of to the Member.

Mr. OLMSTED. If the gentleman will permit, I do not desire to be understood as saying that exactly, but it does direct that the clerk shall be put upon the roll of the House. It is not a

limitation upon the appropriation at all. It is a positive direction that the Members' clerks shall be put upon the roll of employees of the House.

Mr. COOPER. Mr. Chairman, may I say one word as to that? It seems to me that this ought to be construed in such a way as will make the best law, if there is any doubt as to the proper construction, and the best law would be a law which would absolutely compel an honest payment of this money. Now, as I look at it, Mr. Chairman, the original proposition in the bill is that the Member, Delegate, or Resident Commissioner shall receive for clerk hire necessarily employed by him in the discharge of his official duties as Representative, \$1,500 per annum; and the amendment of the gentleman from Georgia [Mr. BARTLETT] does not change that at all, except in the way of identifying positively the clerk who is to receive the money. That is all. It leaves it to the Member of the House to pay it to the man whom he hires, but simply puts in the law a method of identifying the payee. That is all. It ought to be in order upon grounds of the highest public policy. [Applause.]

The CHAIRMAN. The law provides that each Member of Congress is entitled to receive \$1,200 a year for clerk hire. The Committee on Appropriations in reporting this bill, in conformity to the action of a number of Congresses that have preceded this one, has reported a provision allowing each Member of Congress and Delegate \$1,500 a year for clerk hire. That provision is clearly contrary to existing law. It has no legal authority in the bill under the rules of the House. It is legislation on an appropriation bill not warranted by law and in violation of Rule XXI of this House.

But the provision having been read, and no Member of the House having made a point of order against it in the bill until an amendment was offered, under the rules and precedents of the House it is now not subject to a point of order, and it stands out independent of existing law. It does not come into this bill as a part of existing law, but stands out as an original amendment, offered by the committee—and it would be the same thing if it was offered by a Member on the floor of this House—that is, contrary to the rules of the House because it amends the existing law.

Now, two points are made against this amendment as it stands. One is that the amendment offered by the gentleman from Georgia seeks to change existing law, and therefore is not in order as an amendment to the provision offered by the committee. The other is that it is not germane to the provision offered by the committee.

As the provision offered by the committee itself is in violation of existing law, and stands before this House without warrant of law to sustain it, and can only stand here because a point of order is not made against it, it seems to the Chair clear that a point of order can not be made against the amendment to the provision that is in violation of existing law on the ground that the amendment is in violation of existing law, provided the amendment is germane to the provision offered by the committee, both being in violation of law, the point of order not having been made to it and it being too late to make it.

Then, the only other question is whether or not the amendment offered by the gentleman from Georgia is germane to the provision in the bill as amended by the gentleman from Illinois. That provision, as it now stands, reads:

To pay each Member, Delegate, and Resident Commissioner for clerk hire necessarily employed by him in the discharge of his official and representative duties \$2,000 per annum, in monthly installments.

The amendment offered by the gentleman from Georgia provides that all clerks to Members and Delegates shall be placed on the rolls of the employees of the House, and be subject to removal at the will of the Member or Delegate by whom they are appointed, and any Member or Delegate may appoint one or more clerks who shall be placed on the rolls as the clerk of such Member or Delegate out of said appropriation.

Now, the original provision does not provide for the employment of clerks by the House, but it provides that appropriations shall be made from which Members of the House may employ clerks themselves. The amendment offered by the gentleman from Georgia does not provide that these clerks shall be a part of the clerical force of the House; it merely provides that the Members appointing the clerks shall enroll them on the rolls of the House, clearly carrying the intention that those who are employed shall be known; and that intention is clearly demonstrated by the provision, because it does not designate how many clerks shall be employed by each Member. Under this provision one Member may employ one clerk at \$2,000 a year, and another Member may employ four clerks at \$500 a year, clearly showing that the provision does not intend to make them a part of the clerical force of the House, but is merely

intended to make the Member who receives this money designate who shall receive it on the rolls of the House.

It seems to the Chair that it is clearly in order [applause] to the original proposition to state how the Member shall designate who he is employing, and that he shall, on a fixed roll of the House, insert the names of the persons whom he has employed under this appropriation. [Applause.] The question is on the amendment.

Mr. BARTLETT. Mr. Chairman, I want to amend the amendment so as to include the Resident Commissioner.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment by inserting the Resident Commissioner. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I do not desire to detain the House with any extended remarks. I think it is absolutely necessary and decent for us to adopt this amendment.

Mr. MANN. Will the gentleman yield for a question? I thought when the amendment was read that the word "pay" was left out. Does the gentleman mean that the clerks that are put on the roll shall receive pay directly or that the money shall be paid to the Member?

Mr. BARTLETT. I hope that the construction will be that the money will be paid to the Member.

Mr. MANN. Mr. Chairman, I ask that the Clerk report the last few words of the amendment in my time.

The CHAIRMAN. The Clerk will read the last part of the amendment, if there is no objection.

There was no objection.

The Clerk read as follows:

And any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the rolls as the clerk of such Member, Delegate, or Resident Commissioner making such appointment.

Mr. MANN. There was something said about pay in the amendment as read by the Chairman.

The CHAIRMAN. The Chair read the amendment into the original provision.

Mr. COOPER. I would like to ask the gentleman from Georgia if the words "or clerks" ought not to be inserted after the word "clerk"?

Mr. BARTLETT. I have no objection, although the singular includes the plural.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. HEFLIN) there were 76 ayes and 20 noes.

So the amendment was agreed to.

The Clerk read as follows:

For postage stamps for the Postmaster, \$250; for the Clerk, \$450; for the Sergeant at Arms, \$300; and for the Doorkeeper, \$150; in all, \$1,150.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FINLEY having assumed the chair as Speaker pro tempore, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 24023, the legislative, executive, and judicial appropriation bill, and had directed him to report that it had come to no resolution thereon.

EXPENSES OF COMMITTEE ON THE JUDICIARY.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 486 (H. Rept. 651).

Resolved, That all expenses that may be incurred by the Committee on the Judiciary in making the investigation authorized by House resolution 481 shall be paid out of the contingent fund of the House of Representatives on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

The committee amendment was read, as follows:

Amend, line 3, after the figures "481," by inserting the words "to an amount not exceeding \$25,000."

The question was taken, and the amendment was agreed to.

Mr. HILL. Mr. Speaker, wait a moment. What is this investigation? We had a \$25,000 resolution last week. What is the purpose of this?

Mr. LLOYD. This is an investigation that is authorized by the Committee on the Judiciary.

Mr. HILL. To investigate what?

Mr. BARTLETT. The Money Trust and everything connected with it.

Mr. LLOYD. We had a trust resolution a few days ago in regard to the Money Trust question.

Mr. HILL. I thought that was before the Banking and Currency Committee.

Mr. LLOYD. Part of the original resolution goes to the Committee on Merchant Marine and Fisheries and part to the Judiciary Committee.

Mr. HILL. I would like to inquire if we are to have another resolution from the Committee on Merchant Marine and Fisheries to authorize them to expend \$25,000?

Mr. LLOYD. That has already been done.

Mr. MANN. Will the gentleman yield to me two or three minutes?

Mr. LLOYD. Certainly.

Mr. MANN. Mr. Chairman, resolution 405, which I think was the original resolution, was divided up in substance by a resolution between various committees including the Judiciary Committee, and the Judiciary Committee, by resolution of the House, was authorized to carry on any investigation it pleased within its jurisdiction which were referred to in resolution 405, but subsequently the House, the other day, repassed the substance of everything in House resolution 405, and directed the Committee on Banking and Currency to investigate the whole subject.

I do not oppose this resolution, because I am quite willing, if gentlemen on that side of the House are determined, for them to show either how extravagant or how inefficient the committees are when they have appointed one committee for making one investigation that they shall appoint another committee to make the same investigation, because this is work that the Committee on the Judiciary ought to do. I agree with the gentleman that the Judiciary Committee ought to do it. We have already passed a resolution of the House directing the Committee on Banking and Currency to do it and another resolution directing the Committee on the Judiciary to do it.

Mr. HILL. Mr. Chairman, a day or two ago a gentleman came to me at my office to show me a series of blanks, which I understand are issued under the authority of the Committee on Banking and Currency, calling upon every State as well as national bank in the United States for information over which this Congress has not the slightest particle of control.

Mr. BARTLETT. State banks?

Mr. HILL. State banks—under this provision spending money when every particle of information with reference to national banks which is sought for by those questions can be obtained in the comptroller's office without any expenditure of money, and the facts sought to be obtained from the State banks Congress has no jurisdiction over. Now, I have not the slightest particle of objection to voting \$25,000 to get new and original information, but to duplicate work that has already been done and secure information which we have no control over seems to me to be unwise expenditure.

Mr. FOSTER. Let me ask the gentleman from Connecticut a question. If the Aldrich Currency Commission did not send these blanks to all the banks of the country?

Mr. HILL. They were authorized to do it by direct act of Congress, and, in my judgment, it has accomplished no good whatever. I was opposed to it in the beginning. I think it has been useless work for the last five years, as it has been carried on, and I am opposed to the proposition which the Aldrich Currency Commission submitted. I believe you can not build up a sound currency system on a false foundation, and therefore I am opposed to the whole thing, unless the fiat money at the base of the system now can be eliminated.

But if you can get any information that is of value in this way, that is not already in the comptroller's office in the Treasury Department, I have no objection. But I agree with the gentleman from Illinois [Mr. MANN] that it is absolutely useless to spend thousands and thousands of dollars in duplicating work which is already done and paid for.

Mr. LLOYD. Mr. Speaker, it is not expected that these committees shall duplicate their work. The Judiciary Committee was authorized by a resolution of the House to perform certain work, and it is necessary in the performance of that work that they incur certain expense, and this simply provides that that expense may be made and may be met out of the contingent fund of the House. I ask for a vote on the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. The resolution as amended was agreed to.

CRAYON PORTRAITS OF EX-SPEAKERS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the consideration of the resolution (H. Res. 264) which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House resolution 264 (H. Rept. 649).

Whereas for many years there have been hanging upon the walls of the Speaker's Lobby crayon portraits of ex-Speakers James K. Polk, John Bell, Howell Cobb, John W. Davis, M. C. Kerr, Schuyler Colfax, Robert M. T. Hunter, Andrew Stevenson, Philip Barbour, J. W. Jones, John G. Carlisle, John White, Linn Boyd, Jonathan Dayton, J. L. Orr, Langdon Cheeves, Nathaniel Macon, and William Pennington; and Whereas by resolution of the Sixty-first Congress these portraits were ordered substituted by oil paintings which are now being hung in place of said crayon portraits: Therefore be it

Resolved, That as soon as said portraits are substituted the crayon portraits be given to the States whose Representatives said ex-Speakers were, and that the Clerk of the House shall ship said crayon portraits to the secretary of state of the several States entitled to receive them, and inform said officials that said portraits are given by Congress to said States.

Also the following committee amendment was read:

Page 1, line 7, after the word "States," insert the following:
"Provided, That no part of the cost of transporting said portraits shall be paid by the Government."

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. LLOYD. These portraits are to be given to the States.

Mr. BARTLETT. I understand that this is an application for unanimous consent, but I do not desire to object. You say you give them to the States. Usually the State is represented by its officials instead of by itself, and you direct that the portrait shall be sent to the secretary of state and he shall receive it. It seems to me that we ought to have some way of communicating with the representatives of the State.

Mr. FITZGERALD. Is this a simple resolution?

Mr. LLOYD. I am inclined to think it is complex.

Mr. FITZGERALD. I am in earnest. Is it a House or a joint resolution?

Mr. LLOYD. It is a simple resolution.

Mr. FITZGERALD. What right has the House by simple resolution to dispose of any property belonging to the House?

Mr. MANN. If there is no harm, let us dispose of them.

Mr. LLOYD. These crayon portraits are of no value, and the purpose of this is to authorize us to send these pictures, which are down in the crypt, to the States of the respective ex-Speakers.

Mr. FITZGERALD. What I wish to inquire is of the right of the House—

Mr. MANN. They are not an asset, but a liability. [Laughter.] We have the same power to do it as we have to clean out any other rubbish.

Mr. FITZGERALD. These crayon portraits were so offensive to the esthetic tastes of the Members of the House that we took them off of the walls of the Speaker's lobby, and now we are proposing to donate them to somebody in the belief that we are doing them a favor.

Mr. BARTLETT. Among these Speakers was a citizen of Georgia, Howell Cobb. I would think that if you are going to give them away, instead of sending them to the States, they ought to be given to the members of the families of those ex-Speakers.

I know that ex-Speaker Howell Cobb has daughters living at Athens, Ga., who would probably be glad to receive this portrait. I think the State of Georgia already has a large portrait of Howell Cobb hanging in the State library, or hanging somewhere else on the walls of the State capitol.

Mr. LLOYD. If it is given to the State and the State desires to do so, it can donate it to the family of Howell Cobb.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

Mr. MANN. I will not object, but if there is going to be further discussion of it here to-night, I may.

Mr. AINEY. Mr. Speaker, I would like to ask the gentleman from Missouri [Mr. LLOYD] if it will be compulsory upon the States to receive these portraits. [Laughter.] There is nothing in the resolution about securing the consent of the States.

Mr. LLOYD. Mr. Speaker, let us have consideration of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the resolution as amended.

The question was taken, and the resolution as amended was agreed to.

LEAVE OF ABSENCE.

Mr. Sisson, by unanimous consent, was granted leave of absence, for one day, on account of important business.

PHILIPPINE INDEPENDENCE.

Mr. GARRETT. Mr. Speaker, I have a request for unanimous consent which I have reduced to writing, and I ask that it may be read.

The SPEAKER pro tempore. Without objection, the Clerk will read the request submitted by the gentleman from Tennessee [Mr. GARRETT].

The Clerk read as follows:

I ask unanimous consent that the bill (H. R. 22143) to establish a qualified independent government for the Philippines, and to fix the date when such qualified independence shall become absolute and complete, and for other purposes, and also House joint resolution 278, to authorize the President of the United States to secure the neutralization of the Philippine Islands and the recognition of their independence by international agreement, which bill and resolution have been favorably reported by the Committee on Insular Affairs and are now upon the calendar, shall have the same status as privileged reports of committees provided under the first section of paragraph 56 of Rule XI.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I will say to the gentleman from Tennessee that I do not think he ought to present a request of that sort in a House where there are only a few Members present at 7 o'clock in the evening.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I hope the gentleman will withdraw his request to-night.

Mr. GARRETT. I am not responsible for the absence of Members.

Mr. MANN. It is now 7 o'clock.

Mr. GARRETT. I will say, Mr. Speaker, that the matter has been pending for some time, and I understand it has been agreed upon with the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. MANN. This is a matter that affects the House, and it may affect the procedure of the House for the rest of the session, and therefore Members should be here when the order is presented.

Mr. AINEY. Mr. Speaker, if unanimous consent is given, how would it affect unanimous consent given to bills reported by the Committee on Claims?

Mr. GARRETT. It would not affect that at all.

Mr. MANN. It would not affect that at all. This will be the continuing order for the balance of this year.

Mr. OLMSTED. I want to ask if it is intended to consider both the bill and the resolution at the same time.

Mr. GARRETT. No; I suppose in the order in which they are named.

Mr. MANN. I do not like to object, but if the gentleman insists upon his request, I shall be compelled to.

Mr. GARRETT. In view of that suggestion, I shall have to withdraw it.

Mr. OLMSTED. I should like to ask the gentleman if, when the gentleman offers it again, he will not add "and that in the consideration of said bill in the Committee of the Whole House on the state of the Union general debate shall be confined to the subject matter of the bill as reported, and matters relating thereto"?

Mr. GARRETT. I shall not object to that. Of course, when the matter comes up, if it is agreed to in this way, when unanimous consent is requested for the limitation of debate, that would be in order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman for unanimous consent?

Mr. MANN. Reserving the right to object, does the gentleman insist?

Mr. GARRETT. If the gentleman makes his suggestion in that way, I shall have to withdraw it.

The SPEAKER pro tempore. The gentleman withdraws his request.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6009. An act to increase the limit of cost of the United States post-office building at Huron, S. Dak.; to the Committee on Public Buildings and Grounds.

HOOR OF MEETING TO-MORROW.

Mr. JOHNSON of South Carolina. I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, May 4, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an item for inclusion in the general deficiency bill, granting authority to the accounting officers of the Treasury to credit in the accounts of Capt. Briant H. Wells, quartermaster, United States Army, the sum of \$850.05 disallowed against him on the books of the Treasury (H. Doc. No. 727); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting estimate of deficiencies in appropriations required by the Treasury Department for Internal-Revenue Service, Bankers' Electric Protection Association, and Marine-Hospital Service (H. Doc. No. 729); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation in the sum of \$28,000 to enable the Commissioner of the General Land Office to make field examinations of selected lieu lands in the State of Colorado and to adjudicate the same in the General Land Office, made by Public resolution No. 57, approved February 16, 1911 (36 Stat., p. 1454) (H. Doc. No. 728); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting estimate of appropriation in the sum of \$581.13 to cover deficiency in appropriation for re-marking the boundary line between Texas and New Mexico, for which an appropriation of \$20,000 was made (H. Doc. No. 726); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States, reported the same with amendment, accompanied by a report (No. 648), which said bill and report were referred to the House Calendar.

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky., reported the same without amendment, accompanied by a report (No. 650), which said bill and report were referred to the House Calendar.

By Mr. MOON of Pennsylvania, from the Committee on the Judiciary, submitted minority views on the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," which views were referred to the House Calendar. (H. Rept. 612, pt. 2.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18691) granting a pension to Cobb T. Berry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23181) granting a pension to Samuel R. Ballentine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21253) granting an increase of pension to John R. Vickers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17151) granting a pension to Cobb T. Berry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20768) granting an increase of pension to Homer D. Snediker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18833) granting an increase of pension to Thomas Hogan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18253) granting a pension to F. W. Braun; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16175) granting an increase of pension to William C. Hopper; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14532) granting a pension to Thomas F. Hasset; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6954) granting an increase of pension to Alexander R. Blazer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11211) granting a pension to Alexander Frazer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8184) granting an increase of pension to Michael Dolan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23209) granting a pension to Henry A. Ridgeway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23791) granting an increase of pension to Henry Senne; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24037) granting an increase of pension to Charles Schlamburg; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERWOOD: A bill (H. R. 24114) to provide for remodeling the old post-office building at Toledo, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. THAYER: A bill (H. R. 24115) to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery covered by interstate commerce; to the Committee on the Judiciary.

Also, a bill (H. R. 24116) to prevent restrictions or discriminations in the sale, lease, or license of tools, implements, appliances, or machinery, or in the use of any method or process covered by the United States patent laws; to the Committee on the Judiciary.

By Mr. HULL: A bill (H. R. 24117) to promote efficiency in the Government service; to the Committee on Reform in the Civil Service.

By Mr. ROBINSON: A bill (H. R. 24118) providing an appropriation to check the inroads of the Arkansas River in Lincoln County, Ark., in front of the State farm; to the Committee on Rivers and Harbors.

By Mr. SIMMONS: A bill (H. R. 24119) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; to the Committee on Agriculture.

By Mr. KENT: A bill (H. R. 24120) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907; to the Committee on Foreign Affairs.

By Mr. POU: A bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties and other claims; to the Committee on Claims.

By Mr. WEBB: A bill (H. R. 24122) authorizing the Secretary of War to construct a public highway from a point on the Southern Railway beginning at or between the towns of Kings Mountain and Grover, N. C., to the monument erected by the United States Government on the Kings Mountain battle ground; to the Committee on Appropriations.

By Mr. CURRY: A bill (H. R. 24123) creating the Mescalero National Park in New Mexico and providing for the allotment of certain lands in severalty to the Mescalero Apache Indians; to the Committee on Public Lands.

By Mr. HOBSON: A bill (H. R. 24124) to facilitate voting in election of President, Vice President, and Members of Congress;

to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. CARY: A bill (H. R. 24125) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Benevolent and Protective Order of Elks; to the Committee on the Public Lands.

By Mr. ALLEN: A bill (H. R. 24151) to provide for the erection of a monument to Gen. William Henry Harrison, late President of the United States; to the Committee on the Library.

By Mr. FITZGERALD: Resolution (H. Res. 521) for the consideration of H. R. 24023, the legislative, executive, and judicial appropriation bill; to the Committee on Rules.

By Mr. RAKER: Resolution (H. Res. 522) directing the Committee on Foreign Affairs to ascertain regarding the purchase by foreign Governments of land and fishery rights on the west coast of Mexico, etc., and to make report to the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 24126) granting an increase of pension to Jesse Baumgardner; to the Committee on Invalid Pensions.

By Mr. ADAMSON: A bill (H. R. 24127) granting a pension to Mary E. Spraberry; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 24128) granting a pension to Patterson McGeehan; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 24129) for the relief of the estate of Patrick Ryan; to the Committee on War Claims.

By Mr. CLAYPOOL: A bill (H. R. 24130) granting a pension to James M. Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24131) granting a pension to Sullivan McKibben; to the Committee on Invalid Pensions.

By Mr. COOPER: A bill (H. R. 24132) granting an increase of pension to George H. Farrar; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 24133) granting a pension to Foster Rine; to the Committee on Pensions.

By Mr. EDWARDS: A bill (H. R. 24134) for the relief of Elizabeth Evans; to the Committee on War Claims.

By Mr. HOWELL: A bill (H. R. 24135) granting an increase of pension to Jane K. Carpenter; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 24136) for the relief of the estate of Peter C. Brashear, deceased; to the Committee on War Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 24137) to refund to National Cartage & Warehouse Co., of New York City, N. Y., excess duty; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 24138) granting an increase of pension to Joel Ratliff; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 24139) granting an increase of pension to William F. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24140) granting an increase of pension to Henry Coster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24141) granting an increase of pension to Elizabeth Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24142) granting an increase of pension to Herman Boedicker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24143) granting an increase of pension to Sarah E. Bapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 24144) granting an increase of pension to James Perry; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 24145) to correct the military record of A. G. Hamilton; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 24146) granting a pension to Ollie Frazier; to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 24147) granting a pension to James C. Carson; to the Committee on Pensions.

Also, a bill (H. R. 24148) granting a pension to John P. Martin; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 24149) granting an increase of pension to John Payton; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 24150) granting an increase of pension to Winfield Scott McGowan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of the Merchants and Manufacturers' Association of Cincinnati, Ohio, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ANDERSON of Minnesota: Petition of J. Thrut and 17 others, of Dodge Center, Minn., against passage of the parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of the Workmen's Circle of New York City, against the passage of the Dillingham bill (S. 3175) for the literacy test; to the Committee on Immigration and Naturalization.

Also, resolutions of Edward S. Matthias Camp, No. 46, Department of Ohio, United Spanish War Veterans, in support of the Crago bill (H. R. 17470) for pension for the widows and minor children of Spanish War veterans; to the Committee on Pensions.

By Mr. ASHBROOK: Petition of S. M. Warner and 6 other merchants, of Fredericksburg, Ohio, against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of J. N. Stone and 20 other citizens, of Newark, Ohio, against passage of interstate-commerce liquor law; to the Committee on the Judiciary.

By Mr. BOWMAN: Petition of the Keystone Watch Case Co., of Philadelphia, Pa., against any changes in the present patent laws; to the Committee on Patents.

Also, petition of the United Polish Societies of Brooklyn, N. Y., against passage of the Dillingham bill and all measures favoring the literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. BYRNS of Tennessee: Papers to accompany bill for the relief of the estate of Patrick Ryan; to the Committee on War Claims.

By Mr. CALDER: Petition of the National Association for the Advancement of Colored People, of New York City, favoring passage of Senate bill 180; to the Committee on Appropriations.

Also, petition of the Farm Journal, of Philadelphia, Pa., favoring passage of Dodds amendment with 10 per cent restriction omitted; to the Committee on the Post Office and Post Roads.

Also, petition of the Allied Board of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient lifeboats on all ocean steamers; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Boitel & Ring and Henry Fisher, of Brooklyn, N. Y., favoring passage of Senate bill 6103 and House bill 22766, for prohibiting use of trading coupons; to the Committee on Ways and Means.

By Mr. DICKINSON: Petition of Windsor Post, No. 580, Grand Army of the Republic, favoring passage of House bill 14070; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: Petition of W. M. Daniel and other citizens of Salisbury, N. C., favoring passage of House bill 22339; to the Committee on the Judiciary.

By Mr. DRAPER: Petition of the United Polish Societies of Brooklyn, N. Y., against passage of Senate bill 3375 or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. MICHAEL E. DRISCOLL: Resolution of the Rochester Chamber of Commerce, favoring passage of Senate bill 4308 and House bill 17736, for 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Lake Seamen's Union, Buffalo, N. Y., favoring passage of House bills 11372 and 23673; to the Committee on the Merchant Marine and Fisheries.

By Mr. DYER: Petition of Vehicle Top & Supply Co. and the Brown Shoe Co., of St. Louis, Mo., favoring passage of bill for building higher the levees on the lower Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of Hotel Jefferson, St. Louis, Mo., favoring passage of the Stevens-Gould net-weight bill; and of the State of Missouri Railroad and Warehouse Department, of Jefferson City, Mo., against passage of House bill 22503, authorizing the Interstate Commerce Commission to make a physical valuation of the railway properties of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Kansas City Live Stock Exchange, Kansas City, Mo., against any change in present inspection laws; to the Committee on Agriculture.

Also, petition of J. P. H. Gemmer, of St. Louis, Mo., against any bills to restrict the rights now granted under the patent laws; to the Committee on Patents.

Also, petition of the Ferd. Messmer Manufacturing Co., St. Louis, Mo., against passage of Kenyon-Sheppard or any other

interstate liquor bill, and of members of the Brotherhood of Locomotive Engineers of St. Louis, Mo., favoring passage of House bill 20487, the Federal accident compensation act; to the Committee on the Judiciary.

Also, petition of the St. Louis Metal Trades Association, of St. Louis, Mo., against passage of the Bartlett bill or any other bill to impair the power of the judiciary; to the Committee on the Judiciary.

Also, petition of Anti-Monopoly Drug Co., St. Louis, Mo., favoring passage of Senate bill 6103 and House bill 22766, prohibiting the use of trading coupons; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Society of the Sons of the Revolution, in the State of Illinois, favoring immediate passage of Senate bill 271, relating to collection and publication of archives concerning the Revolutionary War; to the Committee on Military Affairs.

Also, petition of the Illinois Central Railroad, favoring the adoption of the Thistlewood resolution to appropriate \$250,000 to repair and strengthen levees around Cairo, Ill., etc.; to the Committee on Rivers and Harbors.

Also, petition of Wilmer Atkinson, editor of the Farm Journal, of Philadelphia, Pa., in favor of the Dodds amendment to the appropriation bill, relating to publications issued by fraternal societies; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of the Women's Improvement Club of Escalon, and J. B. Curtin, Sonora, Cal., favoring passage of bill for flood-water canal from San Joaquin River; to the Committee on Rivers and Harbors.

Also, petition of the San Francisco Labor Council, the Sailors' Union of the Pacific, and the Chamber of Commerce of San Francisco, Cal., favoring passage of House bill 11372—the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Women's Improvement Club of Madero, Cal., and the Chamber of Commerce of Hollister, Cal., favoring construction of a flood-water canal from the San Joaquin River; to the Committee on Rivers and Harbors.

Also, petition of Kullman, Salz & Co., Benicia, Cal., and Hale Bros. (Inc.), San Francisco, Cal., favoring continuance of the Tariff Board; to the Committee on Appropriations.

By Mr. KAHN: Petition of the Chamber of Commerce, San Francisco, Cal., against abolishment of Bureau of Manufactures, Department of Commerce and Labor; to the Committee on Appropriations.

Also, petition of Eldora S. Deacon, San Francisco, Cal., submitting proposed amendment relative to water rights at Waianae-Uka, island of Oahu, Hawaii; to the Committee on Insular Affairs.

Also, petition of Local No. 158, Brass and Chandelier Workers, of San Francisco, Cal., favoring passage of House bill 22339, against introduction of the Taylor system into Government shops; to the Committee on Labor.

Also, petition of H. Levi & Co., San Francisco, Cal., submitting proposed amendment relative to water rights at Waianae-Uka, island of Oahu, Hawaii; to the Committee on Insular Affairs.

Also, petition of the Sailors' Union of the Pacific, San Francisco, Cal., favoring passage of the seamen's bill (H. R. 11372); to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFFERTY: Petition of B. H. Miller and other citizens of Oregon, favoring the building of at least one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of Goodwin Brown, New York, representing the State hospital commission of the State of New York, relative to immigrant insane in the New York State hospitals for insane, and also additional appropriations for necessary medical inspection by inspectors trained in the care and treatment of insane; to the Committee on Immigration and Naturalization.

Also, petition of the American Enamelled Brick & Tile Co., New York, N. Y., protesting the passage of the anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the National Association of Life Insurance Policy Holders of Chicago, Ill., relative to operation of corporation tax; to the Committee on Ways and Means.

Also, petition of the Polish National Alliance, Brooklyn, N. Y., protesting against the passage of the Dillingham bill or any other measure favoring further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. MAHER: Petition of the Polish National Alliance of Brooklyn, N. Y., against passage of the literacy test and any other new restriction tending to check immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Board of Trade and Taxpayers' Association, relative to wireless apparatus and operators and sufficient lifeboats on all ocean steamers; to the Committee on the Merchant Marine and Fisheries.

By Mr. MCCOY: Petition of the Police Lieutenants' Association of Newark, N. J., favoring passage of the Hamill bill, for letter carriers' pensions; to the Committee on Pensions.

Also, petition of Newark Lodge, No. 340, International Association of Machinists, and Local No. 44, Metal Polishers' Union of North America, Newark, N. J., favoring passage of House bill 22339 and Senate bill 6172, against introduction of Taylor system into Government shops; to the Committee on the Judiciary.

By Mr. MCGUIRE of Oklahoma: Petition of citizens of Falls City, Nebr., asking that the Judiciary Committee report the Kenyon-Sheppard bill and the Webb bill for the consideration of the House as soon as possible; to the Committee on the Judiciary.

By Mr. NEEDHAM: Petition of citizens of Reedley, Cal., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., relative to setting aside public lands in Western States to be sold for funds with which to build good roads; to the Committee on the Public Lands.

Also, petition of the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3175) for literacy test; to the Committee on Immigration and Naturalization.

Also, resolution of the Wholesalers' Board of Trade, of San Diego, and the Chamber of Commerce of San Diego County, Cal.; against House bills 11372 and 20576, prohibiting the towing of log rafts and lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Sailors' Union of the Pacific and the San Francisco Chamber of Commerce, favoring passage of the seamen's bill (H. R. 11372); to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Coalinga, Cal., favoring a clause in the naval appropriation bill providing for the building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

By Mr. POU: Petition of the Improved Order of Red Men, favoring bill for erection of memorial to American Indians; to the Committee on Indian Affairs.

By Mr. REILLY: Petition of the Workmen's Circle of New York City, against passage of the Dillingham bill (S. 3175), for the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of New England manufacturers, against the adoption of the Covington amendment to the Panama Canal bill, regulating the passage of vessels through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of New England manufacturers, protesting against the adoption of the Covington amendment to the Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local No. 79, Carpenters and Joiners, favoring passage of House bill 22339; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of medical societies, physicians, and citizens of the State of Texas, against passage of the Owen bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Texas, against establishment of a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: Petition of the United Polish Societies of Brooklyn, N. Y., protesting against passage of Senate bill 3175 or any measure containing the literacy test; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Petition of the Workmen's Circle, New York, protesting against the Dillingham bill (S. 3175), containing the literacy test; to the Committee on Immigration and Naturalization.

Also, petition of the Knights of the Maccabees of the World, Buffalo, N. Y., favoring the passage of a bill that will give fraternal publications the same privileges in the mails as that of commercial publications; to the Committee on the Post Office and Post Roads.

Also, petition of the United Polish Societies of Brooklyn, N. Y., protesting against the passage of any measure containing the literacy test; to the Committee on Immigration and Naturalization.